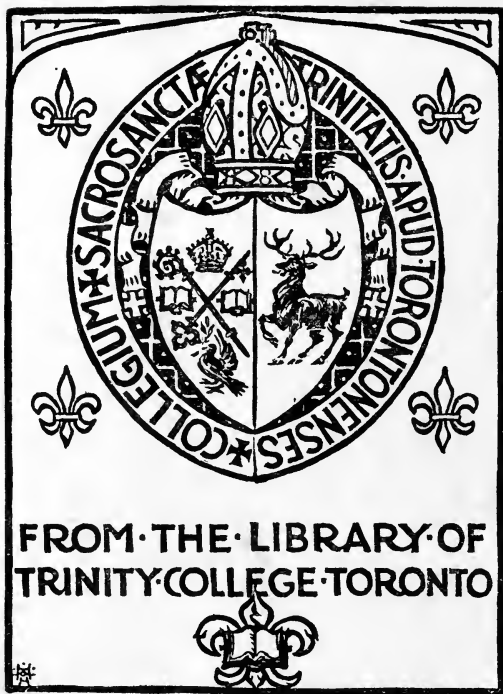




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THE TALBOT CASE.



# The Galbat Case.

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AN AUTHORITATIVE AND  
SUCCINCT ACCOUNT

FROM 1839,

TO THE LORD CHANCELLOR'S JUDGMENT.

With Notes and Observations :

AND A PREFACE,

BY THE REV. M. HOBART SEYMOUR, M.A.

Whoever is afraid of submitting any question, civil or religious, to the test of free discussion, seems to me, to be more in love with his own opinion, than with truth.—*Bishop Watson.*

When secrecy or mystery begins, vice or roguery is not far off.—*Dr. Johnson.*

 Seeleys.

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TO  
THE FATHERS AND MOTHERS OF THE  
UNITED KINGDOM ;

AND TO

THOSE ROMAN CATHOLICS WHO SUPPORTED THE  
CONSTITUTION OF THEIR COUNTRY, IN  
OPPOSITION TO PAPAL AGGRESSION,

THESE PAGES ARE INSCRIBED.

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## THE NUNNERIES OF ENGLAND.

THERE are few subjects so little understood, indeed so little known, in this country, as the conventual system, especially with reference to what are called "religious houses" for the reception of ladies. They have been so long and so generally associated with the relics of by-gone times, and with the superstitions of mediæval religion, that all accurate knowledge respecting them has been regarded as more curious than useful, and has been neglected as such. The result has been, that a Convent of Nuns is ordinarily associated in our minds with some tale of disappointed affection in mediæval romance, or with some fearful tragedy of dark and despotic times. The former awakens an interest in their favour, the latter evokes a prejudice against them.

The remoteness of the subject for the last three centuries of the history of England, has naturally consigned such establishments, with their real character and nature, to oblivion among us. We know wonderfully little respecting them; and from the secrecy and mystery usually connected with them, this ignorance is little likely to be dissipated. A remarkable evidence of this has occurred in

connection with the case now before the world. The three persons, of all others the most competent in every way to impart the required information, are hopelessly at variance in their evidence. And when they might have been expected to have given a fulness of light, they have only enveloped the subject in inextricable darkness. Dr. Hendren the titular Bishop at Clifton, and head and superior of the Nunnery at Taunton, and many years its confessor, writes in the most explicit terms, that Miss Talbot was not, and could not be, received as a boarder ; that it was inconsistent with the rules, and that he, as the Principal,—speaking from personal knowledge—received her, and conversed with her as a postulant, that is, as a novice of the white veil, preparatory to her assuming the vows, resigning her property, and becoming a professed nun. Dr. Doyle, the titular Bishop at Southwark, the legal Guardian of the young lady, states, on the other hand, that she was received only as a boarder ; that she was never admitted, or intended to be admitted, as a postulant, or novice, and that she never designed to take the vows of a nun. And Miss Jerningham, the Mother of the Sisterhood and Abbess of the nunnery, states, with the most *naive* simplicity, that Dr. Hendren, the superior of the convent, was not wrong in asserting she was a novice, and that Dr. Doyle, the Guardian of the lady, was not incorrect in saying she was a boarder, for that really and truly she was both, having something of both characters, being nominally a novice and really a boarder ; and thus the system of having “two faces under a hood,” led the two Bishops into a mistake. When three persons, the Superior, the Guardian, the Abbess—the very three who in the wide world must have been the most competent to know the

facts and impart the information—when these three differ so widely as to the facts in this case, whether from a desire to mystify others, or from being mystified themselves, it must be felt to be no easy matter to ascertain the certainty as to the true character of the interior of such establishments.

It is impossible to consider these facts—the palpable and broad variance in the statements of these three persons, who must have been competent witnesses, if there be any in the world, as to the realities of the case—without arriving at one of two conclusions; either the very painful one, that these three persons combined to mislead and mystify the public mind, so as to leave all men under a sense of doubt and uncertainty as to the interior life of the convent, thus keeping the world in darkness as to its mysteries and secrets; or we are drawn to the more charitable conclusion, that these three persons were themselves deceived or mistaken; that intending truthfully and honestly to declare all they knew, they have given testimony which proves that some things take place in the interior of these convents which are unknown to the Bishops, the Guardians and the Abbesses themselves! and that too to such an extent, as that they are unable to give clear, consistent or satisfactory testimony respecting them, even respecting such a plain and simple matter of fact as the postulancy or noviciate of one of the inmates!

When such doubts and mystery hang about these establishments, it ceases to be a matter of wonder that the public should, with certainty, know nothing respecting them or their nature, and it is time to lift the veil and open the interior of convent-life to the broad light of day and to the searching eye of the people of England.

The principle upon which "religious houses" are founded is not peculiar to the Church of Rome, or even to Christianity. Heathen Rome had its Vestal Virgins, and Pagan Peru had its Virgins of the Sun. It has, from time immemorial, and before all records of history, pervaded Egypt and all the regions of the East, being an essential element of orientalism; almost in the essence of the oriental mind. It is the notion that celibacy is more holy than marriage—that those who are unmarried are more holy than those who are married. And on this principle it is argued, that in order to attain to the highest degrees of personal holiness, or religiousness, all persons, and especially females, should remain unmarried. In order to facilitate this, it is recommended that females should become inmates of "religious houses," in which it is a rule that every member of the sisterhood should vow a life of celibacy. This system of "religious houses" is as prevalent among the heathen of China and of Japan, as among the Christians of Rome.

The answer usually made to this, is not only a denial of the principle that celibacy is more holy than marriage, or that the unmarried are, in the experience of the world, more holy than the married; but that even supposing that this principle is correct—assuming that it is justified in theory and practice, still a female may live in a state of singleness—may live unmarried, and preserve her purity, without entering a nunnery. If there be a peculiar and superior holiness in the unmarried state, she can live thus unmarried, and thus holy in the bosom of her family, or in the circle of home-friends, as innocently and as purely as within the walls of a nunnery. This is a matter of universal experience among us. Every family in England

may give an evidence of this, and therefore the evidence of experience is against the alleged necessity for "religious houses."

The reply, which the advocates of such establishments, give to this argument of experience, is different on the Continent from that given in England.

On the Continent it is at once asserted that it is impossible, or at least, unusual, that any unmarried ladies, after the age of marriage, should be seen in society. It seems certainly to be an understood thing in the Roman Catholic countries of the Continent, that those, who may be called single ladies,—and who, after passing the natural or usual age of marriage, are often regarded among us as among the most useful members of the social circle—ought not to be seen except within the walls of a convent. They are practically excluded from the social circle both at home and abroad. It would seem as if it was thought—and too generally is thought—impossible, or at least, very difficult to preserve female purity, if moving in society; and as if it was therefore necessary to shut a female up within the precincts of some "religious house," to prevent her by physical restraint from going astray. This peculiar idea—almost universal in the Roman Catholic regions of the Continent—consigns the plain, the portionless, the unmarried, and the disappointed, to the destinies of a conventual life. And thus is created a necessity for "religious houses."

In England, however, this argument would have no weight, and therefore the reply of the advocates of this system is different. It is argued, that neither the bosom of the family-home nor the circle of society, is so suited for the development of the religious virtues, or for the

exercise of the religious practice, as the retirement and solitude of a "religious house." It is urged, that it is amidst the converse of a sisterhood holy and religious, and amidst the practice of the hallowed rites or ceremonies of religion, that the Christian life of a female is best developed. And that therefore the vowed devotion of unmarried ladies in the seclusion—the perfect and never-ending seclusion—of the conventual life, tends to the growth of religious feeling and the manifestation of religious practice.

To all this the answer is simple. The Continental notion of excluding unmarried females after they attain a certain age, from society, is as cruel as it is dishonouring; and is based on an assumption more false than either. And the experience of society in England, more pure and moral than elsewhere, shews that unmarried ladies can live in the bosom of the family-home, and move in the circle of society with purity, and in the possession of every religious grace, and in the exercise of every religious practice. Self-denying, disinterested, active, they prove themselves to be invaluable labourers in every Christian work and labour of love, infinitely more useful to themselves and to others—incomparably more beneficial to the Church and to society, than if they were immured within the prison-like precincts of some convent; where they are removed for ever from the society they might adorn by their virtues, and from the fields of usefulness which they might bless by their activity and labours. One grand purpose of true religion is, that we may labour to do good to others; while one great feature of the conventual system is, to imprison its victims, so as to deprive them of all means and opportunities of usefulness. And if, in the judgment of the Great Day, the solemn words shall be



uttered—"Come, ye blessed children of my Father, inherit the kingdom prepared for you from the foundation of the world: for I was an hungred, and ye gave me meat: I was thirsty, and ye gave me drink: I was a stranger, and ye took me in: naked, and ye clothed me: I was sick, and ye visited me: I was in prison, and ye came unto me." Matt. xxv. 34—36.—if, in that solemn hour, the practical religion of those who stand before the throne, shall be remembered to them, let us beware of any system of religious profession that would systematically exclude us from that which is so important and essential. The convent-life, while it may minister to a morbid mysticism or to nervous extacies, divests and deprives the inmates of the power and opportunity of developing the practical duties of a living Christianity.

The true principle upon which, universally, in Continental countries, our modern conventual system is founded and sustained, is economy and not theology—it is social and not religious. It is only a veil to blind the eyes of the simple, and to find an excuse for the priests and for the parents, and to allure the young, when the system is commended on the ground of theology or religion. It is almost, if not altogether sustained, as the most easy, the most convenient, the most economical, and cheap way for settling portionless and unmarried daughters. And its extreme popularity throughout Europe, arose from the elements of feudalism, which impregnate every part of the social system. It was held necessary to sustain the wealth and influence of the nobles—to concentrate all the family possessions with all the family honours upon one, who should be the head of the name and house. The younger sons were consigned, of necessity, to an unmarried life, as

being wholly portionless and unprovided for, except so far as might enable them to enter the army or the Church. In the former, they lived a reckless life, as if they *would not* marry; and in the latter, they lived in connection with some convent, where they *could not* marry. And so too with the daughters. If one could be provided for by a suitable marriage, the others, being without portion or provision, were destined to the nunnery. It was regarded habitually as a matter of course. From their earliest childhood they are educated to look forward to it as their last resource. The fact of their being sickly, or plain, or portionless, or in any way unmarriageable or unmarketable, led them to look forward to the life of the cloister, as much as a matter of course—as much as an inevitable destiny as an eastern girl anticipates the life of the harem. As they cannot be married to the laity they must be content,—for there was no help for it,—to be married to the Church, as it is usually styled. This is the real principle which gives life to the conventual system, and there cannot be a greater fraud upon the enlightenment of the present age, than to attribute it to religious feeling. Religion is no more than the cloak to hide the grovelling motives of the system.

At the present day, and ever since the French Revolution raised her blood-stained hand and struck down the barbaric genius of feudalism, this conventual system has fallen into a sickly decline, and the degree and rapidity of that decline in every country has been precisely in proportion to the prostration or evanescence of the feudal element in the national mind. But still it lingers in some places, as there is still remaining in our world so much of the feudal desires to heap the wealth and honors of a family

name upon one member of a house. This tendency in England is unimportant in this respect, that it does not produce the same sad results, because the professional and mercantile pursuits open the greatest wealth and the highest honors of the state to a successful career. There is here a wide and noble field for the younger sons of every family, and therefore here is the fair and right opportunity for the marriage of the younger daughters of the land. In this favored land there is a theatre with "ample space and verge enough" for both the elder and the younger to play their part. And therefore there is all the less tendency toward the conventual system. But it is far otherwise in Italy, and in Spain, and in other lands, where professional and mercantile pursuits have not yet been elevated to the high and honorable distinction that befits them, and that necessarily awaits them in every well-ordered commonwealth, and where it is still deemed a degradation for the younger daughters of the higher classes, however impoverished, to intermarry with the professional or mercantile families, however wealthy. It is, therefore, their inevitable destiny to remain unmarried, inasmuch as their equals—the younger sons of the higher classes—are left portionless and unprovided for, except so far as a commission in the army, or a post in the Church, under circumstances precluding the possibility of marriage. It is their inevitable destiny to remain unmarried, and they grow from childhood to maturity in the unbroken expectation of that destiny. And this is fostered and cherished with unwearied care on the part of the parents. They are the victims of that absurd feeling that no unmarried lady should be seen in society—that as she is not married, so she ought to retire to a nunnery, *as if* an unmarried life in

a nunnery was of her own choice, and not of necessity. The parents make use of this. They feel that they provide best and most safely for their younger daughters by placing them in a nunnery. A sum of from £300 to £1000 will secure for life all that is deemed in Italy or Spain a sufficient maintenance for a young lady in a nunnery. And when the parent has paid this, which varies according to the comforts and respectability of the establishment which he selects for his daughter, he feels the utmost self-complacency, as having done all that is required of him for her safe, happy and respectable settlement in life. He seems to feel, in consigning her to the seclusion of the nunnery for life, very similar to a father in England, when, conscious of the suitableness of the marriage, he commits his daughter on her bridal-day to the husband of her choice. The main difference between them is, that one is rejoicing in the marriage and settlement of his child, whose happiness he delights himself in anticipating; while the other, without one ray of hope for her happiness, congratulates himself in having settled for life a daughter whom he could not otherwise provide for.

But the object of nunneries in England takes a wider range than this. They are established with a view to the propagation of the religion of Rome, and they operate in two ways towards the promotion of that end. In the first place they are arranged in general as seminaries or boarding schools for the higher classes, and with some of the nuns obliged to devote themselves to conducting schools for the gratuitous education of the poor. This gives them the means and opportunity for proselyting, to which they very naturally, and indeed laudably, devote all their energies; while the facility which their schools give, of intercourse

with the parents of the children, gives great and numerous opportunities for success. In the next place, these nunneries in England lay themselves out to allure and attract every young person who may be possessed of wealth, or the expectation of wealth. Every wile and art that subtlety can suggest is employed to lure such persons into a convent-life. And one novice possessed of wealth is regarded as more valuable than an hundred others. Romance and religion, and love, and disappointments, and affliction, are all alike made in their turn a means to minister to the object to be attained. And the promises of seclusion and tranquillity, and peace, in scenes of rural retirement, and in the sweet converse of a holy sisterhood, loving and loved, amidst the dream-like stillness of the cloister, and the sweet music of the vespers—these promises, however unlikely of fulfilment, become powerful arguments in the hands of subtle, experienced and intriguing priests. *She* becomes a nun, and *they* take possession of her wealth.

Her after-destiny is a mystery. If she can be moulded into a living machine to be used for any purpose, or employed to any end at the principled or unprincipled will of the superiors, she may live on in the round of ceremonies and forms and duties assigned to her, as regularly, and probably as uninterested, as a horse in its daily circuit in the mill. She becomes hard and unfeeling as a marble statue, and cold and lifeless as a working machine. But if her heart is still gentle, and her pulse warm, and her thoughts active, and her religion living—if she shews the power to think for herself, or the desire to act for herself, she is soon brought low indeed, and will, in all human probability, become the victim of some intrigue by which

she will be inveigled to the continent, and there placed in some convent where there is neither help nor hope. Her after-destiny is indeed a mystery.

A few words, therefore, as to the nature of the conventual system on the continent is absolutely necessary for a full and fair understanding of the nunneries of England.

The principal class is that of the *clausura*. The inmates, after the usual noviciate of the white veil, look forward as a matter of course, to the taking the vows of poverty, celibacy and obedience. They accordingly vow, on taking the black veil, that they will never retain any property as their own; that they will part with all that they possess; that they will never marry, and that in every thing they will submit themselves in entire and humble obedience to their superiors. They are then members of the Sisterhood. They are confined within the walls of the establishment as within the walls of Paradise. They are precluded from the hurtful society of relatives or friends, unless through an iron-grating, and in the presence of a watchful and superintending sister, no conversation being permitted unless in the presence of one belonging to the convent, so as to preclude the possibility of any painful truth being communicated even to the nearest and dearest relative. She must not breathe a whisper even to her mother, lest thus the interior life of the Convent might be made known to the world; all must remain for ever in darkness and secrecy, and mystery. The buildings belonging to this class of the *clausura* in continental countries, are suited to this system. They have all that same appearance—all that peculiar appearance which characterizes the prisons and penitentiaries of our own land. There is the same dull, still, lifeless exterior—the same lofty walls

and massive gates—the same barred windows and grated openings—the same sombre jail-like exterior, with every accompaniment that seems calculated to confine the inmates and prevent the possibility of escape. It is not possible for an unprejudiced stranger to look on them without the feeling, that the managers know that the inmates instead of revelling in their interior Paradise, are longing, yearning, watching to escape from it, and that every thing must therefore be done to preclude the possibility of flight. This is their appearance, even when situated, as they often are, in the most lovely scenes of nature. They sometimes look like fortresses amidst scenes of loveliness that surpass description; and mountain and valley, and forest and lake, are all arrayed around them in all their richest loveliness, but they only tantalize the caged and prisoned nuns, whose hapless destiny forbid their ever treading among those glorious scenes. They can look on them but can never enjoy them. They are as birds in a cage, able to look out upon the free sun and the free air, and the free world, and feel that they all are beautiful and made for enjoyment, and perhaps may flutter their wings till they hurt their feathers and break their hearts, at the thought that they are imprisoned things for their weary lives, and never can enjoy such freedom. There they while away existence, wearisome to themselves and useless to others, without any object to interest or occupy them. They have not the interest of mothers, for they have no children. They have not the interest of daughters, for they have no parents. They have not the interest of sisters, for they have no brothers or sisters. They have not the interest of wives, for they have no husbands. They are precluded from every object that nature designed to give interest to the female

heart. They are in a state as unwholesome as it is unnatural. It is against our nature that they should be subjected to it. It is against our manhood to permit the existence of such an unnatural system.

It is a great objection to this class of Convents, that it is their essential characteristic, that all is secret and unknown. The inmates must not pass without the walls so as to reveal that which passes within them. Their only associates are the confessors, who are not unfrequently the monks of some neighbouring convent, whose interest it too often is, that much that passes within those walls should never be heard in the outer world. The nuns must hold no other intercourse with any living being beyond the precincts. They can write no letter unless under the eye of the superior. They can receive no communication, even from a mother or a sister, till it is read by the superior. They cannot even see or converse with these near and dear relatives at the convent-grating unless in the presence of the superior, or one of the sisterhood of her appointment. And no whisper and no sign can be made without being observed. All is secreted between the nuns and their confessors. And in some convents the system is so strict and rigid that, as in the establishments of the *Sepulte vive*, the nuns are never permitted to see any one whatever from the moment they have taken the black veil. There is nothing in all the prison system or penitentiary discipline of England that can compare with the constrained seclusion and forced confinement of the clausuræ. Weeks and months and years pass, and multitudes of these veiled prisoners never see a being to whom they can open their hearts or tell the story of their imprisonment. If they have imbibed their existence by having taken the veil, and have



regretted and repented of it, they have no remedy. If their religious opinions have undergone a change, and their souls loathe the religion of the convent, they have no hope. If they have been deceived, and found vice and sin and ruin where they expected holiness and peace and love, their cry can never be heard. If for any suspicion of religious change, or a desire to escape, they are subjected to punishment, to starvation, to the dark and damp underground cells, the sigh of the sufferer and the tear of the mourner can be never known. And if the last sigh of the poor imprisoned one is breathed on the rack or under the torture, or if it be amidst the long and painful wasting away of emaciated nature, or if it be groaned out amidst horror and loathing at the scenes around, or if it be heard mingled with the shriek of the maniac, there is nothing known in the outer world but the customary narrative, that sister Agnes or sister Agatha breathed her last in the odour of sanctity, amidst the comforts of the Church, and to the edification of the Sisterhood! This is all that is thought fitting to be made known to the outer world, and the outer world, if disposed to be credulous or otherwise, must, for the present, be contented with this. Neither the nuns within, nor the monks without, will give more than this. And yet on the opening of the nunneries in Spain, and the dissolution of the nunneries in Italy at the early part of the present century, worse than the very worst here supposed to be possible, was laid open before the world!

Nor could it well be expected otherwise. These nunneries are often under what is called "the spiritual direction" of the monks of some neighbouring convent of the same order. These unmarried men of the convent are the

only confessors, visitors, companions of the unmarried women of the nunnery; and under such circumstances these establishments require great judgment and discretion in their management and superintendence. The Abbess is generally appointed less through judgment and discretion than through family influence. Sometimes as being a member of the family who founded or endowed the establishment; sometimes as being the relative of some cardinal or noble; sometimes as being connected with some minister of state or some person of influence. They are nominated—as is too generally the case with appointments in all lands—not because they are the most discreet, but because they possess personal or family interest. And these Abbesses are sometimes rather young—too young to be trusted altogether as the dragons or duennas of such establishments, surrounded as they sometimes are with exceeding difficulties and dangers. And yet with them rests the rigidness or laxity of observance of many things. If she is unsteady, giddy or indiscreet, the natural result is developed in the unsteadiness, giddiness and indiscretion of the nuns. If she is rigid, severe, or austere, the result is manifested in the unhappiness and misery, the madness and deaths of the inmates. And there is no redress for anything. There are also external circumstances that often increase the difficulty and danger.

It should always be remembered that into these nunneries are frequently drafted that class of unhappy persons for whom in England there are establishments peculiarly adapted. The Magdalene Asylums and Penitentiaries of this country are appropriated exclusively to those fallen ones, who, often “more sinned against than sinning,” desire the protection and the instruction of such a house.

But in other lands these unhappy persons are drafted into the nunneries, and the inmates must receive them and associate with them as their sisters. And where the fallen or erring one is a member of some more influential family, she is forced not unfrequently—as with us a maniac would be placed in a madhouse—into one of these nunneries. And though still an unrepentant Magdalene, the other sisters are compelled to receive her and associate with her, perhaps wholly unconscious that she is other than themselves. This is a state of things calculated to introduce an infinity of evil. It is the introduction of an element of poison, and renders the management of such establishments, an affair so delicate and difficult as to demand something more than that amount of wisdom, judgment and discretion which may be looked for in some of these young ladies, whose family influence have placed them as Abbesses over the nunneries. In England such an establishment would be thought to require a committee of experienced and motherly women, together with the judgments of married and of thoughtful men. But in Roman Catholic countries they are left to the wisdom of an unmarried Abbess, whose education in a nunnery precludes all experience of the world, assisted in her difficulties by consulting with an unmarried confessor! How various are the customs of various countries! But such as they are, they are legalized and established. The laws of Roman Catholic countries cover and overlay every thing. The law establishes the rules of the convent. The law confirms the authority of the superior. The law enforces the obedience and submission of the sisters. The law compels the seclusion of all. And when once a year, or perhaps once in ten years, a Cardinal or Bishop visits the nunnery,

with a view to a visitation of its moral and religious condition, the evidence of any great scandal is suppressed as far as possible, lest by being made known, it might cause greater scandal to the Church at large, and to the convents in particular. But notwithstanding all that is done to draw a veil over every thing, there creep out, from time to time, into the light of day, such things as would lead in England to the violent assault and destruction of the whole establishment.

There is a secondary class of monasteries that differ in many respects from these, and does not carry out the principle of the clausura to the same extent. This class is not so rigid. It is true that the same noviciate is required; and on assuming the black veil, the same vows of poverty, and celibacy, and obedience are taken. But still there is not the same strictness of rule; there is not the same stern seclusion. There is more access to the visits of female friends; there is more intercourse with priests and monks; and some opportunity for private conversation. And this arises out of the necessity of their rule. Their rule requires in general, that the members of the sisterhood shall devote themselves, at least to a certain extent, to the extension of education and to the instruction of the young. Some of these convents, therefore, lay themselves out for the education of the higher classes. And young ladies are received, sometimes as boarders and sometimes as scholars, to be educated in all that is supposed to constitute a polite and finished education, for their station in society. Other ladies are received, lodged, and boarded, when perhaps their natural protectors or parents are travelling, or abroad; and the salaries for these constitute a portion of the revenues of the establishment. They are

in fact, boarding-schools and boarding-houses for ladies. They also receive young persons to prepare them by religious instruction, within the retired seclusion of the nunnery, for the rite of Confirmation—a rite always deemed absolutely necessary before entering the field of society. Some of these nunneries, however, are appropriated to the laudable purpose of keeping schools for the gratuitous education of the children of the poor. And this task is undertaken by some of the nuns, upon whom it is imposed by authority, which they cannot refuse; so that this class of nunneries, by the very fact of its being engaged in education, is necessarily open to a certain amount of observation. Most of the nunneries in France, since the Revolution, are of this class. The former, which were more secluded and secret, and therefore more liable to greater evils and abuses, were very generally, almost universally, exploded in that country. And the same observation is generally applicable to those established in England; they are generally connected, at least nominally, with education.

But there is a vast number of this secondary class in Italy and Spain, though less in the latter than formerly, that take no trouble with the work of education, whether of the higher classes or the lower. They are more correctly, associations of ladies—sisterhoods, constituted under the canons of the Church, and the laws of the State; who, under the name of “religious houses,” receive any who, from disappointed affections, or from some romantic fancy, or from some incurable and distressing disease, or from some blight or taint on the name or character, or from being left orphans and unprotected, or from being widowed and unprovided for, or from being too

poor to marry in their own rank, or from being from any cause unmarried or unmarriageable—who, from any of these motives, desire to withdraw from a cold and unsmiling world, in the hope of finding retirement and seclusion; and yet enough of society in the circle of the sisterhood. These give themselves no trouble about education, or anything of the kind, useful to themselves or profitable to others. And after a little—a very little time, awake to discover that they have entered on a course of life, full of sameness, weariness, dulness, without any object of interest; and with the embittering consciousness that, having taken the three vows, they must live on without hope, as the laws, both of the Church and of the State, would pursue them as sacrilegious criminals, if they attempted a change. They took the three vows. It is legal sacrilege to depart from them, and the utmost rigor of the law would pursue them as guilty; and therefore their destiny is sealed. They see and hear just enough of the outer world, to make them sigh for its occasional variety, to break the dull monotony of their conventual seclusion. And were it not that, on their taking the black veil, they parted necessarily with all their property, whatever they might have had—were it not that they thus vowed poverty, and made themselves hopeless and helpless, as being without any means whatever of existence, without the walls of this establishment—were it not for this, there would probably at least nine out of every ten withdraw from the dull and wearisome monotony of the convent. But the vow is taken—poverty is the result. And thus escape from the convent, while punishable as sacrilege, would expose the unhappy adventurer to be hunted down by the police, as well as plunge her in all the hopelessness and helplessness of poverty.

In England, indeed, she would not be pursued by the police, but having parted with all her property—having been induced in an evil hour, to sign it all away on taking the veil—having thus left herself helpless, what could or would become of her ?

This vow respecting poverty is the most ingenious, and subtle, and politic, of all the arrangements of the conventual system. It brings, in a gradually-increasing stream, into the convent, and so into the Church of Rome, all the property possessed by every inmate. And as each inmate dies, their property still remains, so as to constitute an ever-increasing mine of wealth for the priests and monks of Rome. And besides this, the vow of poverty strips the individual of all independence, so as to render them perfectly helpless, and entirely dependent on the convent. So far is this carried, that the very food they eat and even the clothes they wear, are obliged to be supplied by the funds of the establishment, as no nun can possess for herself the least possible amount of property ; thus reducing her, however wealthy before, to a state of complete dependence. She may have entered the nunnery with £85,000, but from the moment she has taken the black veil, she is a dependent upon that nunnery for the bread she eats, and for the clothes she wears. Such is the system.

The vow of poverty, however, is widely different in reality from that which it nominally appears to be. It requires the person to surrender or part with all her possessions—to retain nothing whatever ; and then, to use the favorite phrase, “to accept the Lord as their portion.” But, although this vow seems to ensure an inheritance of poverty to the person who takes it, yet it is to be recollected that such an one, though poor as the most wretched of the

children of poverty, so far as the individual is considered solely and privately, yet the vow does not extend to her corporate capacity. As an individual, she may be poor indeed, stripped of all she once possessed, and now with nothing whatever she can claim as her own. Yet as a member of the sisterhood—as the member of a monastic corporation, she may be one of the wealthiest in the world; and may live in the indulgence of every sense, and in the enjoyment of every luxury: not indeed at her own choice, but if such should be the taste of the abbess, or the practice of the convent. The individual nun must part with all she has of her own. She must share it equally with the members of the sisterhood; she can never more resume it; they have now as much inheritance in it as herself. And thus the nunnery may be a mine of wealth, and the very altar of the worshippers of luxury, while the individual nun may possess nothing she can call her own. The convent *may* be rich; the nun *must* be poor.

The nunnery, being thus enriched by frequent acquisitions, soon becomes possessed of wealth far beyond right or reasonable limits. The surplus, over and beyond what is requisite for the establishment itself, may thus, and is usually thus appropriated to establish and extend the system by founding and endowing affiliated nunneries to be conducted under the same rule. And sometimes, in case the exigences of the Pontifical government require it, this surplus is applied by the command of the Supreme Pontiff to the passing necessities of the Church, or in more precise language, to the expenditure of the officials of the Papal court. It is sometimes applied to the propagation of Romanism, among all within reach of the influence of the convent. The secular governments, as those of France,



Austria, Tuscany, Sardinia, Spain, &c., have frequently confiscated and seized this superfluous wealth.

On the continent, where the convents are intended mainly as a sort of retreat, or pension, or boarding-house for the poor and portionless daughters of the noble and middle classes, this wealth is seldom exorbitant as derived through the admission of members. Ladies there are seldom possessed of such large fortunes as to be in that respect a very great object to the priests and monks of the Church of Rome. And when a revenue is acquired by any means, as by endowments made on death-beds in the hope of being prayed out of purgatory, it very soon finds its way to the officials of the Papal court. But in England, the great object of nunneries is to lay themselves out for obtaining a grasp of the vast wealth of this land, and so using it as to enrich and endow the priesthood of the Church of Rome. Everything is done to entrap and ensnare those who are known to be entitled to large possessions. And persons in all other respects unsuited to the life of the cloister, are craftily beset and subtly allured within the meshes of the system, every art is practised to work on the romance of youth, and on the disappointments of young hopes. Their ample possessions are the precious object to be secured at every pains, and the unhappy individual who, before profession and taking the veil, seemed to be everything in the nunnery, the very life and soul of the veiled sisterhood, is now, if the profession and the veil is taken, regarded as a mere nothing—as no more than any other, and perhaps only as an useless incumbrance, to be shipped off as soon as convenient to one of those poor and wretched establishments on the continent, where something more than nominal poverty is experienced,

and where the unhappy nun, now no longer flattered, praised, admired, or loved, because no longer useful, is made to experience in all its verity and bitterness, the nature of the vow of poverty. The monks and priests have secured the jewels, and the casket they fling as useless away.

And this vow ministers to this very end. It must never be supposed that they imagine that any special virtue, or grace, or holiness, is necessarily attached to poverty. Their definition of poverty in relation to such vows is the absence of personal and private wealth. And when they have induced any one to vow and embrace the profession of poverty—to part with that which, in a world like this, gave them independence—to make themselves the mere dependents on the superior of the convent ;—when they have done this they have succeeded in one great object they have in view. As long as the person was possessed of wealth, she was independent of the superior ; but when in an evil hour she was induced to part with her wealth, she then immediately became a helpless dependent on the will of the superior. And once reduced to this state of mere dependence, she can be broken or moulded into any thing, or any tool, or any character, that may be desired for the interest of the establishment. She becomes, or she is made, the very abject and slave of the superior ; or she pines and withers and dies ; her hopes have been blasted, her heart has been broken,—she dies a maniac.

The unfeeling heartlessness of all connected with the case so lately and prominently before the world, is the truest illustration of the system. A young and gentle lady, one whose orphanage, without a father to shield her, or a mother to cherish her, might well be expected to

awaken every high and chivalrous feeling in her behalf, has been made the victim of priestly intrigue and monkish falsehood. And Peers, and Peeresses, and Bishops, and Priests, and Abbesses, have all combined to ensnare that helpless orphan within the walls of a nunnery, and to prevail on her to renounce her fortune of £85,000 into the hands of the priests and monks of the Church of Rome. That they have failed is owing to no want of subtlety or absence of intrigue on their part, but to the manly and chivalrous feeling of the people of England. They would not permit this sacrifice on the altars of Moloch, and they invoked in her behalf the free laws of our country.

But if the intrigue had succeeded, her immediate destiny would have been a nunnery in England, and her ultimate destiny a nunnery on the continent.

This is an evil inseparably connected with these nunneries, whether of the principal or secondary class, even in England—an evil little known or thought of by an unthinking world, but one of intense interest and importance, and one demanding the immediate interposition of the legislature. It is this. When a nun is located in England, she has, in the protection of her free institutions, some chance of escape. Every house in the land would be open to receive her. And there are instances, even in the history of the modern nunneries of England, where an individual, whose religious impressions underwent a change, succeeded in making her escape by flight before the superior was able to place her altogether under restraint. And even where this is impracticable, so long as she has friends, it is still within the sphere of possibility, that some of them may find means to learn her wishes—to sympathise

with her feelings—to apply for a writ of *habeas corpus*, and compel her release. But all this is applicable only so long as the nun is retained in England. The evil is, that the moment she is suspected, or if she has proved refractory, or if she has shown a change of religious feeling, or if she has attempted to escape, she is immediately placed under restraint till measures can be taken to remove her to some affiliated convent on the continent, thereby precluding the possibility of the free institutions of England interfering—thereby placing her in lands where the ecclesiastical laws justify any and every species of restraint, and surrounding her by circumstances that secure her a prisoner and a victim for life.

An example will illustrate this.

A few years since, a circumstance came to light which seemed to involve a nun in one of the convents of the west of Ireland in a swindling transaction, as least so far as being a party to a fraudulent attempt to obtain goods from a tradesman. It was soon ascertained that she was thus implicated, in connection with a priest, for whom she had conceived an attachment. The scandal which the exposure of this, if once made public, was calculated to bring upon the convent, led to the following device. The nun, unconscious of what was intended, was induced to go on board a merchant-vessel about to sail for Spain. To induce her to this, and to disarm her of all suspicion, she was accompanied by the priest to whom she was attached. And wholly unconscious of the intrigue of which she was the unhappy victim, she sailed to Spain—was left in a Spanish nunnery—and her family never heard of her again !

Another fact may be added.

Another circumstance of the same kind occurred in a

nunnery in the neighbourhood of Dublin. One of the nuns formed an attachment for a remarkably handsome priest, who had frequent access to the establishment, as there was connected with it a school for girls who were taught by the nuns. The moral character of the priest was not high in public estimation. And, to prevent a public exposure, the nun must be removed. She was quite unconscious of the intrigue of which she was the destined victim. She was induced to pay a visit to France, to visit another establishment of the same order there. And she had the less reluctance to undertake the journey, as it was to be performed under the guardianship and in the company of the very priest, her attachment to whom was thus leading to her exile ! She was immediately placed in a continental nunnery, where her destiny is unknown.

These cases, though possibly very unusual in their character, are mentioned to shew the profound and refined subtilty of intrigue that could suggest the removal of these nuns in the company of the persons for whom they had formed so unhappy an attachment,—thus making that very attachment instrumental towards the success of the design. All regard to the immorality of the transaction, and the unfeeling heartlessness of the instrumentality, was lost in the supposed necessity of freeing the convent from public exposure. There are other cases, in some degree less objectionable, but still resulting in the deportation of nuns to the continent.

An instance will best illustrate this.

The daughter of a clergyman in the south of England, became a proselyte to the Church of Rome. She was placed as a boarder in a nunnery near London. While there, or anywhere in this free land, she might be within reach of her

parents and friends, and any revival of the faith in which, from her early and loving childhood, she had been educated, might immediately be made known and bring assistance from loved and loving friends; and she could secure the comforts of home on abandoning the convent. The moment she became of age they induced her, on some pretence, to go with them to the continent; and she is now an inmate of a nunnery abroad, where the freedom of English institutions is no longer within her reach, and where time alone can reveal her destinies. She is now said to be a "teacher of English," and time alone can tell to what state they may reduce her.

Another instance may be given.

The daughter of a gentleman residing in the vicinity of London, had become a convert to the Church of Rome. She joined a nunnery as a boarder, and resided there for a short time. The grief of the parents at the secession of a beloved and only daughter, had some alleviation in the hope, that as she was still in England, she was in a land of safety and freedom, and where they might live in prayer and faith that she might in time change her mind, withdraw from the convent, and be restored to their arms. But the Sisterhood soon induced her to visit the continent with some of themselves, and they have left her there, where her parents can never see her more, and where they can never know, except by sufferance, whether she is dead or alive, and where, at all events, she never more can escape. It is only in the secrets of heaven to make known what may yet be the destiny—perhaps the degraded and polluted destiny—of this young creature trained in the lap of luxury and comfort, and once breathing the pure and moral atmosphere of an English home.

These instances are stated to illustrate an important fact, namely, that young persons when placed in nunneries in this country, though supposed to be perfectly safe under the broad ægis of our laws, even within the iron gratings and massive gates of a nunnery, are liable at any moment, and for any purpose, to be removed beyond the pale of our free and protective institutions, and may be placed, not only without the sanction, but even without the knowledge of parents or friends, in some conventual establishment in Italy or in Spain, or Syria, where any change of religious opinions would be punished as heresy ; where any attempt at escape would be punishable as that of a convicted felon, and where flight would expose her to be hunted down by the police as eagerly as a murderess. Once removed from the shores of England, an impenetrable mystery may shroud her future. She may be placed in those nunneries which profess education, and she may then hope at the best to be a teacher of English, or she may be reduced by the command of the Abbess to be the mere serving-drudge—the chamber-maid—the laundress—the scullion of the nunnery ; or worse than all, she may be placed in those nunneries, where all is so shrouded in secrecy, that were every vice of earth or crime of hell—were every degrading propensity and ruffian violence rife within the walls, as in the Spanish nunneries before the French invasion, and as in the Tuscan nunneries at the beginning of this century,—it could never be heard, and injured innocence and ruined purity must live and die unpitied and unknown.

And is there no remedy for this ? NONE ! If once the hapless girl, full of life and youth, and poetry and romance, have taken the fatal and irrevocable vows, of which one is

the vow of implicit and unhesitating obedience to the superior, she must be ready to change her domicile at any moment. And although the Abbess and the Confessor may for their own purposes, intrigue so as to make her change seem to be her own act, and with her own consent, yet whether willing or unwilling, her removal, if desirable, is certain and inevitable. She is removed. She breathes no more the free atmosphere of England, and lives and droops, and withers and dies, in some foreign nunnery; perhaps pining away in hopeless sorrow at her sad destiny; perhaps bound in chains a raving maniac at her fearful wrongs; perhaps scourged or starved to death as a refractory heretic in the dungeon-cell, or perhaps worse than all—but we forbear to name it,—

It is the duty of parents in England to shield their children from this. It is the province of the Legislature of England to enact a remedy against the possibility of this. And yet we see not how any remedy can be found, for even if magisterial visitation were established, it could not bring back and restore the departed nun. Some Bishop Hendren would be found to swear, on his own knowledge, that she went of her own voluntary choice to some convent in Spain. Some Bishop Doyle would be brought forward swearing that she never went at all, and was still under his protection. And then some Abbess like Miss Jerningham, would make affidavit that they both were right, for that the nun had been nominally under the protection of one in England, but really was located in a nunnery in Spain, having been unwilling to leave the protection of one, but being afterwards persuaded to be willing to pay a visit to a sister-establishment of Spain. Among them it would be as difficult to ascertain the real facts as to a deportation, as



in the case of Miss Talbot, to ascertain the truth as to her postulancy. Lawyers would have arguments enough on all sides; and judges and chancellors would confess themselves in a wilderness of doubt.

And yet it is said to be a maxim in our laws, that there can be no wrong without a remedy. To prevent by one decisive enactment the establishment of any convents in this land, would be the only remedy to meet this and all the evils of the conventual system. But such an enactment might seem to infringe too much on the great principle of civil and religious liberty. And therefore we are left to suggest such measures, as would not infringe on that great principle, and yet would go far towards creating a remedy for the wrongs and evils of the system.

I. The first remedial measure—and one that all right and good feeling will dictate—is Visitation. Every “religious house” should be open to the public eye, not indeed for every one to enter to satisfy an ill-regulated curiosity, or to feed a controversial antipathy, but open to the legal and formal visitation of all magistrates and justices of the peace. It is not permitted in this land that an asylum, public or private, for the reception or cure of lunatics, should receive any person unless with certain certificates to justify them, and unless with license making them liable to be visited by the magistracy, to see that no person is wrongly detained, under pretence or excuse of lunacy, and to ensure that no person is unduly confined, or ill-treated. If, therefore, any person has been fraudulently entrapped, it is soon ascertained, or if he has been subjected to starvation, or cruelty of any kind, it soon comes to light. There is no knowing the frauds and the crimes that might otherwise be perpetrated in these asylums, if

they were not liable to visitation. The same regulation ought to be established in reference to convents. They should be made subject to visitation at any moment by the magistrates and justices of the peace. And it should be their duty to see that no female whatever was detained within the convent against her own will. This regulation would not be inconsistent with due religious liberty, being justified by the example of some Roman Catholic nations. In Mexico, where the whole population was Roman Catholic, they established a law for the frequent visitation of nunneries. Certain visitors arrive unexpectedly. They demand admission peremptorily. They take each nun separately into a private apartment, and question her as to whether she has any cause of complaint, or whether she wishes to withdraw from the nunnery. Being in possession of her wishes, they communicate them to no one, but complete their visitation after a similar enquiry in the same private way in reference to every individual in the establishment. And then they take the requisite measures for removing instantly any persons who desire to withdraw, and conveying them to their friends. As these visitations are at all times, and often when least expected, there can be no effectual concealment. And the number of nuns who avail themselves of the opportunity of retreat is said to be considerable, while the very fact of the convents being liable to such visitation has gradually, since the enactment of the law some twenty years ago, led to a great improvement in the character of such establishments.

This system of visitation, if established in England, would prevent young persons being entrapped by those, whose object it is to secure their property. It would prevent their being exposed to those lingering deaths in

semi-starvation and the underground-cells, to which they are sometimes consigned. And it would ensure them freedom and protection whenever they desired to withdraw.

II. But no visitation can avail without a further enactment which will make every "religious house" liable for the support of every nun who may desire to leave it—such support not exceeding the amount of pension or dowry she brought to the establishment. The necessity for this enactment arises out of the vow of poverty which every nun must take at her profession. In compliance with this vow, she is obliged to sign away by deed either to the nunnery, or to the Church, or some other institution, all and every property she may be entitled to or possess. This places her in a state of perfect and complete dependence. And though on entering the convent she may have possessed £85,000, yet, if in one month afterwards she withdrew or escaped, she would not possess one shilling for her support ; and if she had no friends willing to receive a runaway nun, she would have no recourse but exchanging the nunnery for the poorhouse ! The parish would be liable for her support, while the convent which entrapped her was in possession of all her former wealth. Without some enactment of this kind, making the convent either disgorge the property—be it much or be it little—which it received on the profession of the individual nun, or become liable to an income for her support equivalent to that which she brought with her—without something of this kind, a visitation of the nunneries will be little, and a securing a means of departure will be comparatively little. In many instances the nunneries would gladly get rid of many of their nuns. It not unfrequently happens, that they send them to the foreign nunneries of the lowest and cheapest

kind, merely to get rid of them. They have secured all their property, and care no more to retain them. Having secured possession of £85,000—having so secured it that it can never more be demanded of them—they will be ready enough to fling wide their doors, and let the plucked and defrauded bird take wing and flee away;—the only drawback is the fear of scandal by the exposure. And then how is the deceived and plundered—the young and inexperienced, here to live? It is this more than anything else that prevents a larger number of nuns attempting and effecting their escape. And a law ought to be enacted for their protection, to the effect that whatever was the amount of pension or dowry brought by the nun to the nunnery, should be held payable, or its equivalent, to her whenever she left it; or at least that in any, and every such instance, a provision should be made for her support, and “the religious house” held liable for its payment.

An enactment like this, would give courage and comfort to the nuns, ensuring them of an adequate support, when, in reply to the inquiries of the visitation, they wished to express a desire to withdraw from the nunnery, the vow of poverty being imposed, not under the idea of any peculiar sanctity in poverty, but with the view of making the nun hopelessly and helplessly dependent on the managers of the nunnery in all her after-life.

III.—Another law should deal with and regulate the amount of pension or dowry to be brought to the convent. It is very probable that any legislative enactment on such a subject would be examined by astute lawyers, and dealt with by unscrupulous priests, in order to find and practice a way to evade it. It is more than probable, that while a comparatively small sum, say £500 or £5000, would be

secured to the convent according as the provisions of such an enactment might require or permit, yet the remaining £80,000 would be signed away to other and congenial objects. Such an enactment, therefore, should be based on the principle of the Tuscan law, that any property possessed by the nun over and beyond the amount required for the pension or dowry, should revert to the heirs at law, as if the nun were civilly dead. An enactment thus specifying the amount requisite to secure reception in the establishment, and granting all property over and beyond this, to the heir at law, would take away from the managers of convents and from the priests of Rome, all incentive to impose on credulous and unsuspecting youth with the view of trepanning them for the sake of their wealth into their nunneries; and it would at the same time prove a very effectual statute of *mortmain*. The property of the laity would not pass so rapidly into the hands of the ecclesiastics; and the Church of Rome would have a less mighty hold upon the property of the country.

It is very true, that even this could be evaded, and would be evaded, by inducing the novice, before her full profession, to dispose of all her property to affiliated objects; thus coming to her profession as one who had previously parted with all, and was now no longer possessed of property. The necessity for some measure by which this, which even now is the usual arrangement or method of procedure, might be prevented, is imminent. And the object would be effected, by rendering null and void any act, or deed, or assignment of property, which was made after the commencement of the noviciate or postulancy, in case such noviciate or postulancy was followed by profession. This would effectually preclude the present system

by which the fortunes of the young and inexperienced and unsuspecting, are entrapped, and secured to the object of the Church of Rome. And if thus the convents could receive no more than was fairly and reasonably necessary for the support of the nun, as for any other boarder in the establishment—and if the priest could not touch any overplus that might remain, and which ought to revert to the heir at law, it would remove from both the convent and the priests the temptation of deceiving and ensnaring young and unsuspecting girls, for the sake of plundering them of their property under the pretence of saving their souls.

IV. But there is another measure, simple and natural in itself, and strictly consistent with the analogies of the Church of Rome herself—a measure that if enacted, would go far towards supplying a remedy for all the evils. At present it is the law of this land, that no man shall be capable of full ordination till he has arrived at the full age of 24 years, and that he cannot even commence his diaconate till 23 years of age. In the Church of Rome a similar regulation is established. If the same rule were applied to the conventual life, it would have the effect of preventing the noviciate or postulancy commencing before the person was 23 years of age, and of requiring the age of 24 years, before the full profession could be made, or, in the case of nuns, before the taking of the black veil. At such an age all persons would know or at least might know the nature of the step they were taking, and would be able to form some judgment as to the world they were leaving—the friends they were parting—from the independence they were flinging away—the ties they were renouncing—the vows they were assuming and the life they were commencing;

and it would rescue for ever the Priests and the Abbesses of the Church of Rome, from the painful and loathsome position of being liable to the suspicion of beguiling and trepanning the young, confiding, weak, unsuspecting girl, at the very moment perhaps when some disappointed affection or romantic fancy of her girlish nature, had made her more weak and unsuspecting than ever.

Nor would a law like this be altogether without precedent. There was such a regulation in this country before the Reformation ; though it evidently was often violated. It appears from the instructions given to the commissioners for the visitation of monasteries under Henry VIII., that he desired them to see whether this regulation had been duly observed. Such a law, therefore, would not be against any essential principle of the Church of Rome, especially as the regulations respecting the age for becoming nuns varies in various countries. In England it is twenty-one—in Italy it is sixteen. At this moment there is a measure before the legislature of Piedmont, proposing to enact that the Italian regulation as to age shall be conformable to that of England ; thus shewing that in Roman Catholic countries the age for the noviciate and the profession, is not thought beyond the proper sphere of legislative regulation. And, indeed, they have gone further than this in France. So keenly and bitterly did they feel the evils of the old conventual system, by which the young and inexperienced were forced or entrapped into vows before they knew their full consequence, and confined and imprisoned for life within the walls of convents without hope of escape, that they have enacted that no vow can be taken for a longer period than five years. They may then renew

them or withdraw. If France can legislate on the subject, why may not England interpose ?

If nunneries are to be permitted in England, it may at least be demanded that they be subject to such visitation and such regulation as may ensure the freedom of every inmate, as well as to secure to her the use of her own property ; and at the same time prevent her removal from this country—at least without her own consent, freely given in the presence of one of the judges of the land— [even as the consent of married women is now required to be given in reference to some arrangements of property] ; that she may not be removed from the protection of our free institutions, and consigned to some of those close and secret convents on the continent, where she becomes too often the captive of the cell or the victim of vice.

M. H. S.



## THE TALBOT CASE.

“ It is well that their conduct should be denounced, because it is well just now that the practical meaning of their creed should be brought home to the understanding of every man ; and what is of more importance, of every woman throughout the country.”—*Times*, March 31.

The Hon. George Henry Talbot, half-brother of the present Earl of Shrewsbury, married, on the 6th of April, 1829, Miss Augusta Jones St. Paul, daughter of Sir Horace St. Paul, Bart., and died on the 11th of June, 1839, leaving two children, John Talbot and Augusta Talbot, the former born on Jan. 18, 1830, the latter on June 5, 1831.

Mr. Talbot was a Romanist, and his lady a Protestant. No stipulation, however, was made in the marriage-settlement, or in any other manner, as to the faith in which the children of the marriage should be educated.

For reasons which reflected not the slightest discredit upon Mrs. Talbot, a separation took place in 1833, and by the deed of separation it was stipulated that John Talbot should remain with his father, but that his mother should have the liberty of seeing him, and that Augusta Talbot

should—until she attained her 10th year—continue under the sole care and management of her mother.

Mr. George Keates Corfield had been for ten years and upwards, Mr. Talbot's private solicitor; but about May, 1838, as we learn from that gentleman's affidavit, made in the course of the recent proceedings, a temporary estrangement took place between them in consequence of his remonstrances with Mr. Talbot upon the impropriety of his conduct, and his endeavours to bring about a reconciliation between him and Mrs. Talbot. This estrangement lasted but a short time, for at the end of July their friendly intercourse was renewed; and Mr. Corfield, we have reason to know, paid him all the attention and care of a brother during the long and painful illness which terminated in his death. Through his influence, also, the dying husband was reconciled to his wife, and his last moments were soothed by her presence. There had been an unhappy enmity between the Earl of Shrewsbury and his deceased half-brother; but Mr. Talbot, taught by the approach of death, the hollowness and wickedness of hatred and malice, would gladly have thrown the veil of oblivion over the past; his Lordship, however, rejected the olive-branch of peace, and the dying man asked for a visit for mutual forgiveness, but asked in vain.

During the temporary difference between Mr. Talbot and Mr. Corfield, the Rev. Thomas Doyle—since more notorious as Dr. Doyle, the pseudo-bishop of Southwark—evinced no small degree of interest in Mr. Talbot's affairs.

We know not whether he had ever attempted to bring about any reconciliation; but we learn from Mr. Corfield's affidavit, that on the 10th of June, 1838, and for the

above reason, of course without the knowledge of Mr. Corfield, he induced Mr. Talbot to make his will, which was as follows :—

“ In the name of God, Amen. I George Henry Talbot, commonly called the Honourable George Talbot, being of sound mind and judgment, do hereby will and bequeath all my personal property to the Rev. Thomas Doyle, of the Catholic Chapel, London Road, Southwark, in the County of Surrey ; and do hereby also appoint him the Rev. Thomas Doyle, to be the sole and entire guardian of my children, namely John Talbot, and Augusta Talbot, and I do further appoint him the said Rev. Thomas Doyle, to be the sole executor of my last will and testament.”

The wards of this testamentary guardian were entitled under the will of the late Charles, Earl of Shrewsbury, to two sums of 30,000*l.*, contingently upon their attaining 21 years of age, or, in the case of the female, upon her marriage ; with a gift over to the present Earl of Shrewsbury, in the event of their dying under age, and as to Augusta Talbot, unmarried.

The Romish Church, which ever and anon parades its claim to supremacy in the guise of humility—“the seal of the fisherman” being affixed to the most insolent and audacious usurpations of power—whether temporal or spiritual—on the ground that St. Peter was the first bishop of Rome (although that is a fact by no means clear)—with strange inconsistency terms marriage a sacrament, and denies to the priesthood its happiness and privileges ; anathematizing, with the utmost virulence, all who follow the example of St. Peter, St. James, and St. John, the brethren of our Lord—each of whom, as we learn from

St. Paul, was married.\* One of the sophisms by which this mischievous law of celibacy is upheld, is—that by avoiding the social ties of domestic life, their minds are abstracted from secular cares and pursuits. A testamentary guardian is clothed by law with all the authority and power of a parent; but Dr. Doyle felt no reluctance in assuming the quasi-parental charge of these two wealthy minors. Of course it was as unexpected as the scarlet hat to Dr. Wiseman.

As we have mentioned, Mr. Talbot died the 11th of June, 1839; and on the 5th of July, a fortnight before the commencement of the holidays, John Talbot was removed by Dr. Doyle from school to Alton Towers, the seat of the Earl of Shrewsbury. In his affidavit, made March 29, 1851, he states:—

“It was the dying wish of Mr. Talbot, that he should consult the Earl of Shrewsbury, in every respect as to his children.”

What is meant by dying wish, we know not: for Dr. Doyle was undoubtedly not present at his death; and both Mr. Corfield and Dr. Greaves, state most positively upon oath, that he never would have allowed either of his children to have been placed under the care of the Earl of Shrewsbury.

Mrs. Talbot took immediate steps to make her children wards of court,\* hoping there to find some protection from the cold, unsympathetic Dr. Doyle, whose authority

\* See 1 Cor. ix. 5; Matt. viii. 14.

\* The law of this country has reserved to the king as *parens patriæ*, the prerogative for the protection of infants. This jurisdiction is exercised by the court of Chancery.—See *Spence's Equitable Jurisdiction of the Court of Chancery*, vol. i. p. 614.

was likely to be enforced with the less delicacy because she was a Protestant and he a Romish priest. Then Dr. Doyle filed a bill for the same purpose, and on the 15th of August, 1839, and on the 23rd of August, 1839, two petitions came before the Lord Chancellor Cottenham—one from the Rev. Dr. Doyle, praying that John Talbot should be allowed to reside with his uncle, the Earl of Shrewsbury, and be educated under his inspection, visiting the continent of Europe with him, &c., under the direction of the Rev. Dr. Doyle; the other from the infants by their next friend, Sir Horace St. Paul, Bart., praying that Lord Shrewsbury and the Rev. Dr. Doyle might be restrained from taking the children, or either of them, out of the jurisdiction of the court; that John Talbot might be allowed to reside with his mother, or that, if it were expedient, he should return to school, and he might be allowed to visit her, and that he should spend his holidays with her; and that Augusta Talbot might remain under her mother's care, and that it should be referred to the Master, to draw up a scheme for the maintenance of the infants, and the superintendence of their education, " regard being had to the just claims of the petitioners to visit their mother, and reside with her at all convenient times, and to the necessity of cultivating those natural feelings of affection which existed between the petitioners and their mother, and also to their present condition in life, and future prospects." This part of the reference was in consequence of it appearing that the brother and sister had not met for two years, and that John Talbot had not been allowed to spend any portion of the midsummer holidays with his mother.

The Vice-Chancellor heard the case, and pronounced an order on the 28th of August, 1839 ; but the Lord Chancellor re-heard it on the 17th of September, in the same year, and then ordered that John Talbot should be allowed to reside and travel with the Earl of Shrewsbury, and that his mother should be allowed "reasonable access" to her son, at his lordship's residence. The order was not actually drawn up until the 8th of February, in the following year, but the Earl of Shrewsbury forthwith acted upon it and took John Talbot abroad. Meanwhile, Mrs. Talbot had married the Hon. Craven Fitzhardinge Berkeley. This marriage in no degree lessened her maternal affection for her daughter, whom she was anxious to retain at home, and desiring faithfully to fulfil the arrangement with her deceased husband, as to her religious education, in the month of October, she communicated to Dr. Doyle her wish to engage as a governess, Miss Croft, a lady who had been highly recommended to her by the sister of Mr. Talbot, also a Roman Catholic, and by a Roman Catholic clergyman. Already, however, Dr. Doyle longed to exercise his power to separate the mother and child.

He thus wrote to Mrs. Berkeley on the 19th of Nov. 1839 :—

" My mind is decided on this point, that her education can be better conducted according to my views in a respectable public establishment, like New-hall or Spetisbury, where Lady Harriet Searle and most of the Talbots have been educated, than elsewhere. Miss Augusta requires much example from those of her own age to bring her into docile and regular habits. And I am decidedly of opinion that she should leave home, not to be turned into the class-room regularly with the other young

ladies, but to have her private governess with her, and to attend occasionally the general instruction of the establishment."

To this Mrs. Berkeley answered—

"I much regret to say that Augusta's health is by no means established, as she is now under the hands of Dr. Barron, of this place, and he assures me she requires the utmost care and attention. Under these circumstances, I most decidedly decline acceding to the arrangement you propose, of placing her at a public school, as all the medical men under whose care she has been concur in the opinion that her health will not permit it. If, after this letter, you still persist in your proposed plan, you must apply to the Court of Chancery, for, without being compelled to accede to your proposal by that Court, nothing else shall induce me, as I am firmly persuaded that by so doing I should be consigning my child to an early grave."

The Earl of Shrewsbury had a short time before this, expressed his views in a letter to Mr. C. Berkeley, dated Sept. 17th, 1839.

"I have however never seen any reason why she should not be educated under her mother's care, provided Mr. Doyle had the appointment of, or at least a veto upon the appointment of the governess. She might equally be paid by Mrs. Berkeley, though of course all reasonable access must be allowed to Mr. Doyle."

And to this proposition full assent had been given by Mr. and Mrs. Berkeley.

Dr. Doyle however did apply to the Court of Chancery, presenting a petition on the 13th of January, 1840, praying that Mr. and Mrs. Berkeley might be ordered to deliver up the person of the infant Augusta to himself as her guardian, and he then stated it to be his intention to place her at Spetisbury *with a private governess* and servant,

and with permission to spend her holidays with her mother. This act of aggression (for so it appears to have been considered by Mrs. Berkeley) on the part of the Rev. Dr. Doyle, was met in a similar spirit, by a petition on the part of that lady, in the name of her children, praying, not only that the entire care of the daughter, "regard being had to her delicate state of health," should be given to the mother, but also that "the son might be allowed unrestricted intercourse with, and be allowed to visit his mother at her own residence, at reasonable and proper times," as Mrs. Berkeley alleged that she had not been allowed proper access to her son whilst he continued in England, after the order of the 17th of September had been pronounced; the petition moreover prayed for a scheme as to the education of John Talbot otherwise than by the Earl and Countess of Shrewsbury, under the following peculiar circumstances. By an act passed in the 6th George I., the estates of the Duke of Shrewsbury were annexed *inalienably* to the earldom of Shrewsbury, with limited powers of leasing by the tenant for life. It was, however, provided,

"That no person nor the heirs male of the body of any person to whom any estate of inheritance should come by force of the act of Parliament, who should within six months after attaining the age of eighteen years take the oaths appointed to be taken, instead of the oaths of supremacy and allegiance by 1st. William and Mary, c. 8., and also subscribe the declaration set down and expressed in 14th. Charles II. c. 4., to be by him or them made, repeated and subscribed in the Courts of Chancery, or King's Bench, or Quarter Sessions of the county where he or they should reside, and who should thenceforth continue a Protestant until he or they attained the age of twenty-one years, should after he or they should attain the said age and while he or they continued a Protestant, be disabled from alien-



ating the estates, but might alien the same as freely and absolutely as if the act had never been made."

The petition stated—

"That the present Earl of Shrewsbury held the estates mentioned in the act of Parliament under the limitations therein contained, and that he had no issue male, and that, in the event of dying without issue, the infant petitioner, John Talbot, would succeed to the title, and would also succeed under the act of Parliament, to the estates before mentioned. It was intended by the act that the infant John Talbot, should have an opportunity of exercising his private judgment, whether he should become a Protestant at the age mentioned in the act of Parliament, and should afterwards continue a Protestant; but that Dr. Doyle and the Earl of Shrewsbury, under whose exclusive power and control the petitioner was placed, were bound by the obligations of conscience, as members of the Roman Catholic persuasion, and were determined to educate the petitioner in the religious tenets of the Church of Rome."\*

Contradictory affidavits were filed as to the state of health of Miss Talbot, but the Lord Chancellor was satisfied that she needed great and constant attention. He further said—

"Then I have also an act of the father, which, though not

\* By a private act of Parliament obtained in 1843, by the Earl of Shrewsbury, the chief apparent purpose being to enable him to sell a portion of his estates and invest the proceeds in the purchase of other estates, the proviso enabling a Protestant heir to alienate was repealed; so that now one of the wealthiest peers holds his estates *without any power of alienation whatever*, and, therefore, not chargeable with his debts. It becomes indeed practically a fief of the Pope. The granting to a Romanist peer, a favour which has long since been taken away from the rest of her Majesty's subjects, is only another instance of the flagrant impropriety of the present system of legislation; for we will undertake to say that not five members of either house understood that this was the effect of the statute.

binding, is entitled to the greatest attention, as being evidence of his desire that the said infant should remain with her mother until she should have attained a certain age, and of his confidence that that would not be abused; and that period has not arrived. I rely upon that as evidence of the confidence he felt that the child might up to that age remain in the custody of the mother, and that she would pay that attention to the education and health of the child which he desired. As to that the testamentary guardian (Dr. Doyle) thinks that there should be an alteration; but I have a right to look at the opinions of that gentleman himself; for I know that, when he first took upon himself to interfere, he did not think it necessary to take the child out of the mother's care. If, therefore, he was of that opinion in September, I must assume that he saw nothing in the religious education or care of the child which was a reason for interfering. It is perfectly clear that since that time the event has taken place—it had, indeed, taken place before, but was not known to me, and I believe not known to him—that the mother had contracted marriage; but there is nothing to show that anything is likely to result from that circumstance to prevent the child being as properly attended to as before.”

His Lordship however, refused, to grant the prayer of the petition as to John Talbot. After observing, that as the expectant heir of the Earldom, it was most natural for him to reside with the Earl of Shrewsbury, he said—

“As regards the faith in which the infant John Talbot was to be brought up, his Lordship said, ‘I have a Roman Catholic parent appointing a Roman Catholic guardian, and I am asked to interfere as to the religion of the child. I should also observe that the father, in making his appointment, knew of the provisions of the act of Parliament which has been referred to.’”\*

Parents and daughters should ponder well this case, and open their eyes betimes to the risk of future unhappiness incurred by marriages with Romanists. Not only will the

\* See 4 Mylne and Craig, 672.

father have the almost absolute control over their education during his life,\* but by appointing a testamentary guardian—especially if that guardian be a priest—the wife and mother may be debarred from all opportunity of forming those endearing associations between her children and herself, which are the chief joy of the mother, and soon will she become to them as though she were not.

His Lordship says :—

“ I had considerable reason to believe that there was much misapprehension in the mind of the mother, *as to her rights as a mother* ; and I thought it necessary to explain that, in point of law, she had no power to control the power of the testamentary guardian. It is proper that mothers of children thus circumstanced, should know that they have no right as such to interfere with testamentary guardians, and if under the peculiar circumstances, I think it proper now to leave the child in the custody of the mother, it is not in respect of right in that mother, but it is in consequence of that power which the court has of controlling the power of testamentary guardians.”

The principle here laid down is undoubted law—and the difficulty of establishing a case sufficient to obtain the removal of that guardian, will best be appreciated by the perusal of the following pages.

Miss Talbot continued to reside with Mr. and Mrs. Berkeley, until the death of that lady in April, 1841. Dr. Doyle forthwith removed her from her deceased mother's residence in Mansfield Street, and placed her in “ The Lodge,” a Convent at Taunton, but without any private governess or servant. We have already seen, that Dr. Doyle had thought that the delicate child should not be

\* At this moment it is said there are children in the Lodge at Taunton directly against the will of their mother.

“ turned into the class-room ; ” and Mrs. Berkeley had deprecated that course, with all the earnestness of a mother’s fears. Miss Talbot’s only brother was resident with the Earl and Countess of Shrewsbury ; and Dr. Doyle tells us :—

“ He never wished Miss Talbot to become a nun or to take the veil, or to enter a religious life, by reason of her not being in his judgment fitted for or called to that state.”

The simple way to prevent this, would have been the cultivation of home affections. Deprived of both her parents, the society of her only brother would have been a solace and delight, and the associations of early years spent together, would have been of infinite value and pleasure to both ; and had his life been spared, a brother’s affectionate counsels might have supplied the absence of parental guidance.

In the first instance, Dr. Doyle acted in accordance with these natural feelings ; for we learn from himself— (Affidavit, March 29, 1851.)

“ That on the death of the mother of the said Augusta Talbot, in 1841, he requested the Countess of Shrewsbury to take charge of the last-named infant ; but that the said Countess intimated that she was unable at that time to do so, but would do *so at any future period.*”

However, he soon preferred the conventual school, without any private governess, the better perhaps to ensure docile habits. (See his letter *supra*, 6.)

The following is the prospectus of  
THE LODGE, TAUNTON.

“ The age of admission to 13 years old inclusive. 28 young Ladies only are admitted. They must be children of Roman Catholic parents. (Miss Talbot was not.)

“ For board, washing, sheets, towels, stationary and school books, 40 Guineas per annum ; half of which is always paid in advance, and 2 Guineas entrance.

“ Education comprises the principles and practice of the Catholic Religion, the English and French languages, History, Geography, Writing, Arithmetic, plain and fine needle-work.

“ Music, Drawing, Dancing, form separate charges ; each a Guinea entrance.

“ Music, 7 Guineas per annum, for 2 lessons per week.

“ Drawing, 6 Guineas per annum, 3 lessons per week.

“ Dancing, 4 Guineas per annum.

“ Other extras are clothes, making ditto : wine if required ; medical attendance, medicine, postage, pocket-money and all casual expenses.

“ Also the harp, guitar, singing, and the Italian language.

“ A bill is sent half-yearly to parents or guardians.

“ The uniform dress on Sundays, white muslin and blue sash ; every day in summer, a gingham, procured at Taunton Lodge ; in winter, a dark blue merino—straw bonnet trimmed with blue ribbon—other articles of dress as each young lady may have been accustomed to. No vacation, and no deduction is made for absence if by way of indulgence—if absence is occasioned by illness, a deduction is then made. If parents take their children home, it can only be for a month once in the year.

“ Three months warning is requisite previous to children quitting school.”

At this time the young lady's allowance was £540 ; and, if all the extras had been included, £125 would have been the outside expense. Dr. Doyle did not go to the court for any direction, but we believe funded or accounted for the balance not expended. As to the education at the Lodge, we do not give an opinion ; but it is most noteworthy that but for one month in the year was a pupil allowed to be absent. Miss Augusta Talbot was, unhappily, an orphan : no vacation could be spent at the residence of her guardian ; and yet, as far as we can learn, during the whole period of seven years, she visited Alton Towers but once, and the sea-side (see *infra* 15) not once ; while the

Earl and Countess of Shrewsbury once saw her at the Convent. Was this treating her with common kindness? Was it acting like a parent towards one whose rank and fortune destined her under ordinary circumstances to take a distinguished position in society? If indeed the Earl and Countess of Shrewsbury had wished, what Dr. Doyle says he did not, that she should in due course become a nun, this cold indifference was well calculated to prejudice her against life in the world.

Mr. C. Berkeley was dissatisfied with this proposed mode of education; but believing it to be a temporary arrangement only, did not interfere until January 1843, when he presented a petition for inquiry; and we pray our readers to weigh attentively all the circumstances under which the order subsequently made upon that petition was obtained, and then let them judge of the conduct of Dr. Doyle, the testamentary guardian, the quasi-parent.

The petition prayed—

“That it might be referred to the Master to inquire and report whether the convent was a fit and proper place for Miss Talbot to be brought up at, regard being had to her fortune and station, and her future prospects in life. The Master was also, in the event of his finding that it was a fit and proper place, to report what sum ought to be allowed for her future maintenance and education of the said infant, Augusta Talbot, regard being had to the prospectus and terms of the said convent, and if the said Master should be of opinion that the said convent was not a proper place at which the said infant, Augusta Talbot, ought to be brought up and educated, then that the said Master might be advised to settle and report to the court a scheme for the future maintenance and education of the said infant, Augusta Talbot.”

Dr. Doyle, in his affidavit, April 19, 1840, stated, that

Miss Talbot had been placed at the nunnery at the express recommendation of the Countess of Shrewsbury, and he also swore as follows :—

“ That the health of Miss Talbot is very delicate, and that it will be necessary to take her occasionally to some watering-place to reside with proper attendants, and that the expenses of travelling to and from the coast, and during her residence there, will amount to a large sum ; and I further say, that previously to the presenting the petition of Craven Fitzhardinge Berkeley, in the month of January, 1843, and since that time, the said Countess of Shrewsbury has said to me, that as soon as the education of the said Miss Talbot was more advanced, (did this mean in 1850?) the said Countess of Shrewsbury would take her to reside permanently with her Ladyship and the said Earl of Shrewsbury, in which event the expenses of her maintenance and education will be much increased.”

It came on for hearing April 29, when the Vice-Chancellor of England said he should not interfere as to the education of Miss Talbot, but the matter of the allowance was to be referred to the Master. But a final order was not then drawn up. How far Mr. Berkeley was satisfied with this is thus stated by him in his affidavit, March 29, 1851 :—

“ When Mr. Corfield, my solicitor, informed me that he was of opinion that the Vice-Chancellor of England would not make an order to remove the above-named infant, Augusta Talbot, from the convent in the said petition mentioned, I stated I should appeal to Lord Chancellor Cottenham, who had already refused to allow the said infant to be placed in a convent ; and I instructed my said solicitor, Mr. Corfield, to inform all parties that if the Earl and Countess of Shrewsbury could not undertake the care and management of the said infant, then that the said Thomas Doyle must send her to the convent called Newhall, with a governess and private servant, as first proposed by the said Thomas Doyle.

“ I believe much negotiation took place, and that it was proposed by Mr. Rhodes, on the part of the said Earl and Countess of Shrewsbury, and assented to by the said Thomas Doyle, that the said infant, Augusta Talbot, should immediately be placed under the care of the said Earl and Countess of Shrewsbury, without waiting till the education of the said infant, Augusta Talbot, was further advanced.”

Accordingly, further affidavits were filed by Mr. Craven Berkeley on the 3rd of May, in which, after stating that he had had several interviews with Miss Talbot in the latter part of 1841 and 1842, but had not been allowed to see her alone, he deposed :—

“ That I was informed by the said infant, Augusta Talbot, in reply to my enquiry, that the said infant’s brother, John Talbot, had not visited the said infant, Augusta Talbot, since she was placed at the said convent.

“ That I was also informed by the said infant, and verily believe, that neither the Earl nor Countess of Shrewsbury have visited the said infant, Augusta Talbot, since she has been at the said convent.

“ That I was informed by the said infant, and verily believe, that the said infant, Augusta Talbot, has not been taken from the said convent for even one week’s change of air or recreation since she was first placed there by the said Thomas Doyle, and that she has not been invited to Alton Towers, or elsewhere, by the Earl and Countess of Shrewsbury for even one day, to see her said brother, John Talbot.

“ That I have been informed, and verily believe, that neither the said Earl nor Countess of Shrewsbury have ever seen the said infant, Augusta Talbot, since she was born.”

The petition was to be heard again on the 5th of May, 1843, and the following instructions then given to Mr. Bethell we copy from his brief now before us :—

“ Mr. Berkeley will be content to take an order in the alterna-



tive, viz. that if the Countess of Shrewsbury declines taking the infant to reside with her at Midsummer, then the said Thomas Doyle shall place the infant at Newhall, or Spettisbury, and find her a private governess and servant, as stated in his affidavit."

No order was made in open court, but much negotiation ensued, in which a most active part was taken by Mr. Rhodes (whose death has unfortunately deprived us of his evidence) who then acted for the Earl and Countess of Shrewsbury.

In the name of common sense, if the simple question was the amount of allowance only, why should either they or Mr. Berkeley have given themselves so much trouble? That question did not in the least affect them, for neither had any pecuniary interest in the matter. Bearing in mind the previous disputes between the parties, and the prayer of the petitions, let us see what the terms of the order were. Here it is *verbatim et literatim* :—

After reciting the petition, (see supra 14) it went on thus :

“ The Earl and Countess of Shrewsbury by their counsel undertaking, with the consent of the said Thomas Doyle, the legal guardian of the said infant Augusta Talbot, the care and management of the said infant, subject to the unlimited legal control of the said Thomas Doyle as such guardian, this Court doth order that the said infant be placed under the care and management of the said Earl and Countess, with liberty to them to take the said infant abroad, the said Earl by his counsel undertaking to bring the said infant back within the jurisdiction of this Court at such time as the Court should direct; and it is ordered that the sum of £270 per annum (to commence from the 24th day of June last) be paid by the trustees under the will of the late Charles Earl of Shrewsbury or any of them to the said Thomas Doyle, from time to time until the further order of this Court, without prejudice to any application which may be made for an increase of such allowance, the said Thomas Doyle

undertaking, so long as the said infant shall reside otherwise than with the said Earl and Countess, after deducting his (the said Thomas Doyle's) expenses, to be incurred from time to time, to apply the same for her maintenance and support in such way as the said Earl and Countess may approve; and also undertaking, so long as the said infant shall reside with the said Earl and Countess, to pay over to the said Earl and Countess for her maintenance and support the balance of such allowance, after deducting therefrom his (the said Thomas Doyle's) expenses to be incurred from time to time in respect of the said infant Augusta Talbot. And it is ordered that the costs of all parties of and incident to that application be taxed as between solicitor and client, and paid; and it was ordered that the amount of such costs, when paid, be allowed to the said trustees in passing their accounts before the Master."

Can any one doubt that Mr. Berkeley, and his legal advisers, understood this order to mean that Miss Augusta Talbot was to be chiefly with the Earl and Countess of Shrewsbury? Can any one doubt that Dr. Doyle and the Earl and Countess intended that they should so understand it? If it did not mean that she should reside with them, was it not a mockery, delusion, and snare?

Dr. Doyle is upon the horns of this dilemma; let him choose which he pleases. In the Tale of a Tub, the three brothers search their father's will for his permission to wear shoulder-knots, and unable to find one express authority, seek it, *totidem verbis* and *totidem syllabis* in vain, and at last discover their foregone conclusion *totidem literis*: and it is only by some such legerdemain that this order can be understood, as it seems to us, with all respect to the Lord Chancellor, to authorize the Earl and Countess of Shrewsbury to leave Miss Augusta Talbot in a convent for six-and-a-half years, exposed to the exclusive influences of

the lady abbess and the sister nuns, at a period of life when the simplicity, inexperience, and enthusiasm of youth would quite unfit her to perceive the real nature of the lure held out to her to sign the death-warrant of all her social duties, and of all healthful enjoyment of life.

Are lady Abbesses and their Chaplains quite incapable of exerting improper influence to number among their "professed" a noble and wealthy heiress? It is said, they are forbidden to allow a minor to take the veil; but presently we shall give one, among the numerous instances, which, doubtless, might be found, where the prohibition has been disregarded, and we should like to see any record of an ecclesiastical censure of the lady Abbess, for *allowing* a breach of the rules.

Even at the risk of being thought a little prolix, we must give the conflicting statements of the parties as to this order, and to our minds, the language used by Dr. Doyle and Mr. Norris, proves that the plain, simple meaning of the order of July, 1843, is what Mr. C. Berkeley believed.

Mr. Norris, the solicitor for Dr. Doyle, thus deposes in his affidavit, March 29, 1851:—

"I have no *recollection whatever* that it was any part of the said arrangement in 1843, that the said infant should be taken permanently to the house of the said Earl and Countess, and educated with them, or, if necessary, taken abroad with them; and I was informed by Mr. Corfield, the solicitor of the said Craven Fitzhardinge Berkeley, that it was understood to be the *chief object* of the said Craven Fitzhardinge Berkeley in presenting his said petition to secure that the said Earl and Countess should have the care and management of the said infant, and that they should exercise their own judgment respecting the mode and place of her education, and that there

was no understanding, so far as I can recollect and tell, that the said infant should be removed from the said convent in case the said Earl and Countess and said guardian should not think it necessary to have her removed therefrom.

“ I further say, that so far as I can recollect and believe, the said part of the said order of July, 1843, which related to the taking of the said infant abroad was inserted therein to meet the case of the said Earl thinking it expedient that they should with the consent of the said guardian, take her abroad with them, and to provide for her being brought back if so taken abroad, the said Earl and Countess having been in the frequent habit of visiting their daughters who resided in Italy.”

He also denies in terms similar to those presently cited from Dr. Doyle’s affidavit, that the order was a juggle.

The pseudo-Bishop of Southwark himself deposes thus:—

“ And I say, that to the best of my recollection and belief, after the said judgment had been so pronounced, negotiations were carried on only with reference to the amount of allowance and to the costs, and which were arranged as mentioned in the order of July 27, 1843. And I further say, that I was informed by my solicitor, and verily believe, that *the chief object* which the said Craven Fitzhardinge Berkeley had, in presenting his said petition, was to get the said infant placed under the care and management of the said Earl and Countess of Shrewsbury. And I further say, that on the suggestion of the said Earl of Shrewsbury, and *to avoid further litigation*, I consented to the said order of July 27, 1843, being made, and by which the costs of the said petition so presented by the said Craven Fitzhardinge Berkeley, were directed to be paid out of the said infant’s fortune. And I further say, that I consented to the said order on the strict understanding that the said Craven Fitzhardinge Berkeley, and his solicitor, Mr. Corfield, would abstain, in future, from interfering further as regarded the said infant. And I further say, that conceiving that the said Convent at Taunton was the place the best suited for the education of the said Augusta Talbot, I left her there until the month of

May, 1850. And I say that I, and, as I believe, all parties, considered that the effect of the said order was to leave me in the full exercise of my legal authority as guardian, but to allow the said Earl and Countess to have, subject to my authority, the care and management of the said infant according to the best of their judgment, and that it was not intended or understood that the said infant should reside with the said Countess, but that their judgment was left entirely unfettered as to the mode of education. And I say, that the portion of the said order as to carrying the infant abroad, was inserted, not with any view of having the said infant taken abroad, at all events, but with a view of authorizing the said Earl and Countess to take the said infant with them abroad, in case it should be found expedient to them to do so, but with my express permission, they having before that time been in the frequent habit of going abroad, where their only two children resided; but, according to the best of my judgment, if it had ever been proposed to me by the said Earl and Countess to take the said infant abroad, I should have greatly hesitated in consenting thereto. And I say, that the reduced allowance of £270 per annum, provided by the said order, was based upon a calculation of an education at the said Convent, and would have been wholly inadequate for an education at the house of the said Earl and Countess. And I deny as stated in the affidavit of the said Craven Fitzhardinge Berkeley, sworn in this cause on the 25th of March, inst. that the said order of July 27, 1843, was a mere juggle on the part of me, the said Thomas Doyle, and the said Earl and Countess, or was an imposition practised upon the said Craven Fitzhardinge Berkeley and the Court, or was resorted to by me and the said Earl and Countess for the sole and only purpose, or with any purpose, of *stifling the inquiry* prayed for by the petition of the said Craven Fitzhardinge Berkeley in 1843, touching the said Convent, and for preventing the said Craven Fitzhardinge Berkeley from proceeding further in the matter. And I further say, that the said infant was continued as a pupil at the said Convent for her education, by the direction of the said Earl and Countess, but with my full approbation; I being under the conviction, which I still

am, that the said place and mode of education were, under the circumstances of the said infant, the best which could be adopted for her benefit. And I say that, from time to time, during the said interval, that is to say, from 1843 to 1850, I paid frequent visits to the said Convent, to see the said infant. And I say, that the said Earl and Countess of Shrewsbury went down to Taunton Lodge to see her, and judge for themselves as to her health and condition; and as I verily believe, and have no doubt, were perfectly satisfied therewith. And I say, that the said Earl and Countess did not go abroad until the month of October, 1845, when they went to Naples with the said infant, John Talbot, who was then in a deep decline, of which he died at Naples, in the month of April, 1846, and they returned to England in the summer of 1847.

Mr. Corfield, in his affidavit, states :—

“ After much negociation the order of July 27, 1843, was consented to by all parties, on the express understanding that the said infant should be taken from the convent and placed under the roof of the Earl of Shrewsbury; and I would not have consented to the order if such understanding had not been clearly and decidedly the basis of the order. I say that a friend of mine, Mr. Thomas Rhodes, who then acted as the solicitor of the Earl of Shrewsbury, and who was on all occasions a peacemaker, would, had he been now living, have verified my assertion; and knowing the sentiments and feelings of the father and mother of the said infant, I would not for one moment have sanctioned the conduct of the said Thomas Doyle and the Earl and Countess of Shrewsbury, in allowing her to remain even as a pupil in the convent. And I consented that she should be taken abroad by said Earl and Countess of Shrewsbury at the request of said Mr. Thomas Rhodes, with whom I was in frequent communication, and who stated to me that they could not undertake the constant care of the said infant, unless permission was given to them by the order to take her abroad with them, as they were in the habit of passing a great portion of the year in Italy, and that they would not know

how to dispose of her during their absence. It was in the firm belief and conviction, founded upon the often-repeated assertions of the said Thomas Rhodes, that the Earl and Countess of Shrewsbury would, notwithstanding the differences that had existed as aforesaid, cherish and protect the orphan child of my deceased friends, George Henry Talbot and his wife, that I acquiesced in the order, and that if I had had the remotest ground for believing to the contrary, and that she would have been allowed to remain in the convent after the order, I should have persisted in obtaining a reference to the Master to settle a scheme for the maintenance and education of the infant.

Mr. Berkeley also says :—

“ When I consented to the order I was informed by Mr. Corfield, and verily believed, that the said Earl and Countess of Shrewsbury had determined to take the said infant under their own roof. I would not have consented to the said order if I had for one moment supposed that the said infant was to have been left, or again placed, at the convent; and I say that it was in the firm conviction that the said infant was residing with the said Earl and Countess of Shrewsbury, that I did not make further inquiries respecting her; and I say that I was not aware until the end of January, 1851, that the said infant had been again placed at the said convent, and I was not aware she had been in the said convent for a period of nine years until I read on the 24th of March inst., a copy of her letter to the Lord High Chancellor in which that fact is stated. And I say, that as it appears that the said infant has since the date of the order of July, 1843, been brought up and educated at the said convent, the said order was a mere juggle on the part of the plaintiff Thomas Doyle and the said Earl and Countess of Shrewsbury, and was an imposition upon me and the Court, and was consented to by the said Earl and Countess of Shrewsbury for the sole and only purpose of stifling the inquiry prayed for by my said petition touching the said convent, and for preventing me from proceeding further in the matter. And I say that I have no personal interest whatever

in these proceedings, which have been instituted by me in obedience with the dying injunctions of the mother of the said infant, who had during her lifetime resisted every effort of the said Thomas Doyle and of the said Earl and Countess of Shrewsbury for taking away the said infant from her and placing her in a convent, and although the said Doyle proposed to provide a private governess and servant for the said infant."

Further, the Lord Chancellor thus expressed himself, March 27 :—

" When I got the order, I found that it was to the effect that the young lady was delivered over to the care of Lord and Lady Shrewsbury, with the view of going abroad.

" Mr. Rolt.—With liberty.

" The Lord Chancellor.—With a view, I say, because it points to her going abroad. Certainly, when I found that the ward had been handed over to Lord and Lady Shrewsbury in general terms, with liberty to take her abroad, it did not appear to me that the convent was an arrangement contemplated by the order."

Such are the circumstances under which the order of July 27, 1843 was made ; and we unhesitatingly assert, that it either meant that Miss Talbot was to be chiefly with the Earl and Countess of Shrewsbury, or it was a juggle and imposition on the Court, as well as Mr. Berkeley.

For several years she remained in the Convent, Mr. C. Berkeley having trusted in the honour of the parties, that the order of 1843 would be carried out. It does not appear that Miss Talbot, during this period, had any private governess or servant, or more than one vacation at Alton Towers or elsewhere ; although the Earl and Countess were



only absent from October 1845 to the summer of 1847, in consequence of the illness of her brother, John Talbot.

The allowance of £270, however, appears to have continued, of which not more than £125 at the outside, could have been spent in her education, according to the rules. In the spring of 1850, the considerate Dr. Doyle —“ who never wished her to become a nun,”—transplants her suddenly to London. The inexperienced girl steps from the cloister-school, into the glare and gaiety of a London season. From the Court to the Opera, from the Opera to balls and parties—for twelve weeks the recluse is thus educated, to fit her for life. Did not the cunning conclave know that satiety gives place to disgust? What surer method could have been adopted to excite a morbid longing for the sequestered Lodge? But press we on with the narrative. At the end of the season she returned upon a visit to the Convent, and thence to Alton Towers.

It would be impertinent and useless to speculate upon the various fluttering emotions which may have agitated her mind; and but that it would be false delicacy in such a case as the present, to omit any material fact, we might well refrain from naming him who now appears on the scenes. Still here, as in every part of the transaction, are odd coincidences. By the death of her brother, and by the accumulations, Miss Augusta Talbot was entitled to £85,000.

Mark Anthony Aldobrandini, Prince Borghese, married Lady Gwendoline Catherine the daughter of the Earl and Countess of Shrewsbury, who died in 1840;\* and the

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\* The present visit of the Earl and Countess to Italy, is understood to be

Prince then married Theresa Louisa Frances Alexandrina de la Rochefoucault, daughter of the Duc d'Estissac, of France.

The foreign nobleman, whose pretensions to the hand of the wealthy Romanist heiress were favoured by the Earl and Countess of Shrewsbury, was the brother of the present Princess Borghese.

When, where, how often, and by whom they were thrown into each other's society, is not known; suffice it to say, that Dr. Doyle was not informed of the marriage being in contemplation, until his return from the Continent, in September, 1850. His affidavit is as follows:—

“I was abroad for some time from about the month of August until about the beginning of September last.

“On my return, my solicitor, Mr. Anthony Norris, informed me that a proposal of marriage had been made to the said Augusta Talbot, by a foreign nobleman, (whose name is alluded to in the affidavit of the said Craven Fitzhardinge Berkeley, sworn in this cause on last Feb. 25,) and the said Mr. Anthony Norris further informed me, as the fact was, that the said foreign nobleman was a person of high rank and connection in France and elsewhere. I at once, on being informed thereof, declared to the said Mr. Norris, that I did not wish the said Augusta Talbot to form a connection with a

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chiefly for the purpose of using their influence with the Pope to give this lady a place in the calendar of Saints. It was in A. D. 933, that Pope John XV. first exercised alone the right of creating a new tutelary deity, and canonized one saint Udalric. Pope Alexander III., in the twelfth century, declared saint-making to be the peculiar prerogative of the Pope. Among the ceremonies is the appointment of a “Devil's advocate” to oppose the admission. Let every one recollect that the essential character of Popery is unchangeableness, because of its assumed infallibility.

foreigner, and that I must not be taken as a party assenting to the said proposed marriage in any way.

“I was informed, and verily believe, that an order of reference had been made during my absence for referring it to the vacation Master, to enquire whether the said marriage was fit and proper; and I was afterwards informed, and verily believe, that the said reference, by reason chiefly of my strong objections to the said proposal, was not proceeded with.”

The Lord Chancellor thus stated what took place upon the subject with him:—

“What took place in reference to myself was this:—When I left Alton Towers last autumn there had been a proposition for a marriage between Miss Talbot and M. Rochefoucault, which, upon being brought to my knowledge, I said could only be entertained in the regular way by means of a reference to the Master, to inquire as to the propriety of it. This I caused to be communicated to Lord Shrewsbury, and also intimated that, from the inquiries I had instituted into the matter, I did not think it was an advantageous offer. Shortly afterwards I received a letter \* from Lord Shrewsbury respecting his taking abroad a ward of the Court, Bertram Talbot, and he therein stated that he had taken my hint respecting the marriage of Miss Talbot, and that it had been broken off, and that the young lady was at last reconciled to the step, although she had very much felt it at first; and the letter went on to state that Miss Talbot was quite resigned, and felt entirely disposed to yield to the will of God in preference to following the dictates of her own feelings. I also had a conversation with the young lady at Alton Towers respecting the offer of marriage, and she certainly expressed no unwillingness to accept it, or intimated in any way that it was being forced upon her. I told her that I

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\* The Tablet, the Romanist organ, conveniently altered this statement in its report, thus—“He (the Lord Chancellor) wrote to the Earl on the subject of the young lady being in the convent.” *Totidem syllabi* again!

should take care that, in a case of that kind, *her wishes should be consulted*, as I had the power to decide upon her marriage while she was a ward of the Court; and, far from intimating any repugnance to the gentleman, *I inferred that she would be quite willing to accept him.*"

Somewhat strange is this conversation, if the foreign nobleman in question had achieved the high honor of being her spontaneous choice. Leaving, however, this subject for speculation, we enter for a brief space the domain of fact.

In September 1850 the projected marriage was entirely abandoned. Such an event must, under any circumstances, entitle a young lady to more than ordinary consideration and affectionate interest from those who are her natural or legal protectors. But Dr. Doyle's notion of his duty was different. He made no further inquiries, and appears to have known nothing and cared nothing about his ward, thus placed at the early age of nineteen in a most delicate and embarrassing position. He had disapproved of the person selected and patronized by the Earl and Countess of Shrewsbury, (their relative too,) and yet he leaves her entirely in their hands. And how then did they perform their trust?

To complete her education, an autumnal tour on the continent would have been both natural and agreeable.

Under the peculiar circumstances, change of scene, the keen enjoyment of the beauties of nature, the cheerful society of her cousin Bertram Talbot, might well have been chosen to refresh and gladden her spirits, and enlarge her mind. Such attractions indeed might not suit so well, if already the eternal solitude of the Lodge was contemplated as her destiny.

From whatever cause, Dr. Doyle was not consulted upon the subject, the order of 1843 was disregarded, and the Earl and Countess of Shrewsbury, and Bertram Talbot, went to Italy for an *indefinite period*.

Dr. Winter, the Chaplain of the Earl, and doubtless, the Confessor and director of the Countess, had just before been commissioned to negotiate the return of Miss Talbot to the Convent. And now we will essay the difficult task of unravelling the tangled web; and ere we conclude, we will establish beyond all moral doubt, that Miss Talbot returned there as a postulant; at least, in the eyes of her ecclesiastical superiors.

Mr. Rolt, in his speech, said: "It was insinuated that the Roman Catholic, and especially the priest,\* is not

\* Is the truth, the whole truth spoken, when the subject is the conduct of ecclesiastics?

On this point we extract the following from Taylor's "Law of Evidence," i. 816:—

"The law of Papal Rome has adopted this principle, (privileged communication,) in its fullest extent, not only, as already intimated, excepting such confessions from the general rule of evidence, but punishing the priest who reveals them. It has even gone further; for Mascardus, after observing that in general persons coming to the knowledge of facts under an oath of secrecy, are compellable as witnesses to disclose them, states that confessions to a priest are not within the operation of the rule, since they are made not so much to the priest as to the Deity whom he represents; and he thence draws the jesuitical conclusion, that the priest, when appearing as a witness in his private character may lawfully swear that he knows nothing of the subject. *Hoc tamen restringe, non posse procedere in sacerdote producto in testem contra reum criminis, quando in confessione sacramentali fuit aliquid sibi dictum, quia potest dicere, se nihil scire ex eo; quod illud, quod scit, scit ut Deus et ut Deus non producitur in testem, sed ut homo et tanquam homo, et tanquam homo ignorat illud super quo producitur.*—Mascardus, de Probat., vol i. Quæst. v. p. 51.

under the same obligations to tell the truth as Protestants and Englishmen." The *moral obligation* is one and the same; but the question is, is that obligation fulfilled. Are not "sad blanks" left, because, if filled up, they would be confirmative of the whole of the charge? But to proceed. Was Miss Augusta Talbot a postulant or not? Now a postulant is one who is passing through a preliminary period of probation, without which she cannot be allowed to assume the white veil as a nun.

The rules of the Convent at Taunton prescribe that no person shall be allowed to return to the Convent as a boarder, after having once left it;—to use Mr. Rolt's language, "to prevent a person who had mixed with the world from communicating her notions and ideas to the young pupils."

Mark, by the way, reader, it is *Miss Jerningham*, Dr. Winter, and Dr. Hendren. All who thus assume to decide upon the fitness of the young and innocent for self-immolation, are themselves cut off from all the sacred charities of life; men and women who know not the meaning of that exquisite line—

"The kindred points of heaven and home."\*

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\* We cannot forbear citing the following eloquent and truthful passage from M. Michelet's work:—"What I most pity in a man condemned to celibacy, is not alone his lack of the heart's sweetest joys, but what a thousand things in the world of nature and morality are and will ever be, to him, a dead letter. It imparts a restless activity to study, to politics, to intrigues, to business—and above all, a disposition for keen, narrow-minded and bitter pedantry and controversy. Our terrorists of the fifteenth and sixteenth centuries, were monks; and monastic prisons were

Miss Jerningham then says : " It was against the rules for Miss Talbot to be received otherwise than as a postulant except by the permission of the Bishop." Dr. Winter makes no affidavit, nor are his letters produced, but the Pseudo-Bishop of Clifton, chuckling over the prospect of the prize, hastily unfolds the curtain, and tells the truth : for which, as we shall presently see, he receives no thanks from Dr. Doyle. A word, however, upon Dr. Hendren. He is one of the new band selected by the Pope, by the aid of the Jesuits working in secret, to " change into burnished gold the silver links of the chain which is to connect this country with the See of Peter ;" \* and we expect, therefore, that he would know what he was writing about, and that he would not assert what he did not know. And what does he say ? Just after the presentation of Mr. C. Berkeley's petition to parliament, (see *infra* 42,) Dr. Hendren wrote to the " Times " as follows :—

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always the most cruel. A life systematically negative,—a death-like life,—develops in man, instincts inimical to life. He who is content to suffer, willingly makes others suffer. Sad indeed, is it to think, that these unsympathetic men, soured moreover by contention, should hold within their grasp the gentler portion of the human race ; that portion in which most feeling dwells, which remains most true to nature, and which even in the general corruption of morals is still the least corrupted by interest and hateful passions. In order to understand how they use this power over women, which *they claim as their privilege*, we must not confine ourselves to the soft and wheedling manners they employ with women of fashion, but enquire after those poor women whom there is no necessity to humour, those especially who, shut up in convents, are at the mercy of their ecclesiastical superiors, who have constituted themselves, at once, their gaolers and sole protectors. We are not quite satisfied with this protection."

\* See Cardinal Wiseman's Pastoral.

‘ Sir,—I beg to be allowed to rectify some of the many mis-statements of the Hon. Craven Fitzhardinge Berkeley relative to Miss Augusta Talbot, which your anti-Popery zeal (I presume) has led you incautiously to adopt.

“ In the year 1841 Miss Talbot was placed by her legal guardian for education at the convent called “The Lodge,” Taunton. She continued there, with the exception of occasional visits to her relatives, the Earl and Countess of Shrewsbury, until the 8th of May, 1850. I know that while there she expressed some wish to become a nun; but I know also that not the slightest encouragement was given to that wish. On leaving the convent-school she was introduced at once to the fashionable world, presented at Court, kindly noticed by the highest nobility, and produced, I believe, what is called a sensation.

“ But amidst all the charms and flatteries of the distinguished society to which she belonged, she seems not to have found happiness. In the month of August last, the Earl of Shrewsbury, intending to go to the south of Europe, and not being able to take his niece with him, the question arose how she, a minor, was to be disposed of. The Lord Chancellor decided that she should return as a boarder to the convent where she had been educated, if they would receive her.\* But this was refused, because at that convent no boarders are received. Miss Talbot then proposed to beg admission as a postulant, that is, as one intended to become, in due time, a nun, if considered to be properly qualified; and, accordingly, *she wrote a most earnestly-supplicating letter to that effect.* The proposal created some consternation in the convent, and many of the nuns objected to it strongly, for the reason that they would be accused of having inveigled her to enter among them on account of her worldly advantages. It was necessary to apply to

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\* Upon this the Lord Chancellor says:—When I was on a visit last autumn to the Earl of Shrewsbury I had a conversation with Miss Talbot, and a very intelligent person she appeared to be. I afterwards heard from Lord Shrewsbury that she had gone to a convent, and I see it is stated that she went there with my consent. There is no foundation at all for that statement, for I was not even aware of it until I was informed of the fact.



me, as the ecclesiastical superior. On the day that I first heard of the affair, I wrote to Miss Talbot, and told her *honestly*, that I did not consider her at all fitted for the conventual life, but that I might be wrong in my judgment, and therefore would not oppose her wish if the community were willing to give her a trial;\* that before she became of age there would be ample time both for her to ascertain whether such a life would be agreeable to her, and for the community to determine whether she was fitted for it. To the Lady Abbess I wrote in a similar style, but adding, that in such a case the censures of the world, which they apprehended, must be disregarded. Accordingly, she was admitted somewhere about the beginning of September."

The comments of this ecclesiastical superior upon Mr. Berkeley's conduct will be given bye and bye. At present we wish, if possible, to bring out the facts into full relief. But, says Dr. Doyle, through his counsel, Mr. Rolt :—

"The letter is open to the strongest animadversion; it is one written by a vain-glorious, presumptuous polemic, who had rushed into an arena of discussion with things that he was unacquainted with, and with parties to whom he was inferior in capacity. [Is capacity necessary to tell the truth?] If he were the superior of a convent, as he stated himself to be, he was, in his (Mr. Rolt's) opinion, unfit to hold such an office. Such a letter might emanate from a bold and reckless priest, but was not the production of a crafty and subtle mind, as had been insinuated, seeking to throw around his victims his insidious nets."

Indeed! Is it thus that Dr. Doyle, the so-called Bishop of Southwark, speaks of the so-called Bishop of Clifton? O unity and harmony of the Romish Church! Well

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\* In the Secret Instructions of the Jesuits, the following rule occurs: "The more earnestly they desire admission into our Society, the longer let the grant of such favour be deferred, as long as they seem steadfast in their resolutions; but if their minds appear to be wavering, let all proper methods be used for fixing them immediately."

may each say, Save me from my friends! But is Dr. Hendren unacquainted with these matters? Dr. Hendren was the so-called Bishop of Clifton and the ecclesiastical superior over the Taunton nunnery. He was the person by whose permission alone Miss Talbot could remain at the nunnery otherwise than as a postulant. Nay more, he was for several years the Chaplain to the nunnery, and the Father-Confessor of Miss Augusta Talbot. Surely then he speaks of what he knows. Nay more, he refers to an "earnest supplicatory letter in which she proposed to *beg* admission as a postulant,"\*—that is, as one intended to become, in due time, a nun, if considered to be properly qualified. *That letter is not produced.* But if there was time for all this correspondence, why was not Dr. Doyle consulted? What right had Lord and Lady Shrewsbury thus to immure in the convent her whom they should have loved and cherished as their own child? Although they are not here to answer the charge, can any thing be clearer than that they both did what they ought not to have done, and left undone their plainest duty?

But to return to the question, was Miss Talbot a postulant or not?

The following is Mr. Craven Berkeley's statement of what took place when he was at the Convent :—

"I further say that having a great regard, for the reasons alleged, for the said infant, Augusta Talbot, I was desirous to ascertain the truth of the said information, and with that object went to Taunton on the 14th of Feb. instant, and called at the said convent, called the "Lodge," for the purpose of

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\* Beg indeed! How condescending and charitable of Dr. Hendren, to listen to her entreaties, although she had 85,000*l.*, and although she would upon taking the black veil vow perpetual poverty.

seeing the said infant, Augusta Talbot. And I further say, that I was introduced to Miss Jerningham, the Superior of the said convent, who, in talking over matters with me, admitted that the said infant, Augusta Talbot, was placed at the said convent in the month of September, 1850, by the said John Earl of Shrewsbury, with the full intention that the said infant, Augusta Talbot, should take the veil; and the said Miss Jerningham also admitted, that the said infant, Augusta Talbot, was at that time a postulant for that purpose. And I further say, that after waiting some time, the said infant, Augusta, was introduced into the room where I, and the said Miss Jerningham were conversing, whereupon I entered into conversation with the said infant, Augusta Talbot, about the gaieties of the last season in town, when the said infant entered fully in the same; and upon my putting the question to the said infant, Augusta Talbot, as to her wishes for remaining for ever in the said convent, and taking the veil, the said infant, Augusta Talbot, replied, that there was plenty of time to determine upon that matter, as it would be eighteen months before she could become eligible. And I further say, that after further unimportant conversation with the said infant, Augusta Talbot, I requested the said Miss Jerningham that I might be left alone with the said infant, Augusta Talbot, for a short time, as I wished to have a free and unrestrained conversation with her—I being fully convinced from the manner and appearance of the said infant, Augusta Talbot, and from the anxious glances which she, from time to time, directed towards the said Miss Jerningham, before she replied to my questions, that the said infant, Augusta Talbot, was not a free agent, and was evidently labouring under great fear and undue restraint, and that it was utterly hopeless to extract the true wishes and feelings of the said infant, Augusta Talbot, from her while in the presence of the said Miss Jerningham; and whilst the said infant, Augusta Talbot, is allowed to remain in her present position as a postulant in the said convent. And I further say, that the said Miss Jerningham positively refused to allow me to converse with the said infant, Augusta Talbot, alone.

Such is the plain straightforward statement of Mr. C. Berkeley. No English gentleman accustomed to use words in their natural sense, without equivocation or hidden meanings, could have dreamed that two versions would be given of this interview, or could have doubted that Miss Talbot was then a postulant. His solicitor, however, Mr. Corfield, taught by the experience of a profession which, of necessity, entails an acquaintance with the moral diseases of man, and the varied forms of trickery and subterfuge, prudently advised Mr. Berkeley to make notes of the conversation, and not trust to his memory merely. This he did immediately after leaving the convent, not then foreseeing the value of the precaution, which the reader will, ere long, fully appreciate.

Mr. Craven Berkeley was resolved, as far as in him lay, that such a gross breach of duty on the part of Dr. Doyle,\* and the Earl and Countess of Shrewsbury, should not be concealed from the Lord Chancellor; but, as by law he had no right to institute a suit, and as he was desirous, if possible, that publicity should be avoided, he availed himself of what is an ordinary practice in matters affecting the personal liberty of any of her Majesty's subjects, and applied to the Lord Chancellor in private. He drew up the following petition, being in form the petition of the infant by him as her next friend, founded upon information which he had received, and principally from Roman Catholics, and handed it to his Lordship's secretary on the 25th of February, accompanied with an affidavit by himself.

The petition after reciting the proceedings in 1843, and the order then made, stated:—

\* See infra 95—97.

“That since the date of the order of the 27th day of July, 1843, the said infant, Augusta Talbot, has resided and travelled abroad with the said Earl and Countess of Shrewsbury, up to the month of September, 1850.\* That the said Countess of Shrewsbury has exercised an undue degree of control over the said infant Augusta Talbot, and has on various occasions importuned the said infant, Augusta Talbot, to intermarry with a Frenchman named Rochefoucault, who is connected by marriage with the said Earl and Countess of Shrewsbury. That the said infant, Augusta Talbot, having declined to accede to the proposition of the said Countess in favour of the said Rochefoucault, threats and intimidations were resorted to by the said Countess of Shrewsbury, which, notwithstanding the remonstrance of the said infant, Augusta Talbot, resulted in the said Countess of Shrewsbury declaring, that if she did not fall into her wishes and marry the said Rochefoucault, the said infant, Augusta Talbot should take the veil. That the said Rochefoucault being a Frenchman, and disagreeable and repugnant to the feelings of the said infant, Augusta Talbot, she persisted in her refusal of contracting marriage with him. That, accordingly, in the month of September aforesaid, the said Countess of Shrewsbury being determined to carry her threat into effect of compelling the said infant Augusta Talbot to take the veil, sent her back, accompanied by the Earl of Shrewsbury, to the said convent, called the ‘Lodge,’ situate at Taunton, in the county of Somerset, and in the said order of the 27th day of July, 1843, mentioned,—not as a pupil or visitor, but as a postulant, with the avowed object of compelling the said infant, Augusta Talbot, to take the veil and become a Nun, she having no desire so to do. That the said Thomas Doyle, the guardian of the said infant, Augusta Talbot, has not exercised his legal authority, or interfered in any manner whatever, or remonstrated with the said Countess of Shrewsbury on her unkind conduct towards the said infant plaintiff, Augusta Talbot, and has silently acquiesced in all the proceedings that have taken place with regard to the said infant

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\* It was not until the publication of Miss Talbot’s letter, that Mr. Berkeley learned that she had been in the convent from 1843.

plaintiff, Augusta Talbot, although he was well acquainted with all the circumstances."

"That the said Craven Fitzhardinge Berkeley intermarried with the mother of the said infant plaintiff, and that by the order of this honorable Court, the said infant, Augusta Talbot, resided with the said Craven Fitzhardinge Berkeley and her mother until the death of the latter, which took place previous to the said order of the 27th day of July, 1843."

The prayer of the petition was as follows :

"Your Petitioner, therefore, humbly prays your Lordship, that Miss Jerningham, the Superior of the said convent, may be ordered to deliver up the person of your petitioner, the said infant, Augusta Talbot, to the said Craven Fitzhardinge Berkeley, or that a writ of Habeas Corpus may issue out of this hon. Court, directed to the said Thomas Doyle, or the said Miss Jerningham, the said Superior of the said convent, thereby commanding him or her to bring the body of your petitioner, the said infant plaintiff, Augusta Talbot, into this honourable Court, on Friday next, the Twenty-eighth day of February instant, in order that your petitioner, the said infant plaintiff, Augusta Talbot, *may be orally examined by your Lordship touching* the matters aforesaid, and *may be declared to be at liberty to proceed* whither she desires within the jurisdiction of this hon. Court ; and *that your Lordship will be pleased to suspend the said Thomas Doyle from his office of guardian, and to appoint a fit and proper person to act as guardian to your petitioner, the said infant plaintiff, Augusta Talbot, during the remainder of her minority with whom your petitioner may reside. And that the allowance for the maintenance of your petitioner at present ordered to be paid to the said Thomas Doyle the guardian of the said infant plaintiff, may be ordered to be paid to the said Craven Fitzhardinge Berkeley or to such other person as your Lordship may appoint. And that the costs of, and incident to, this application, may be paid by the trustees of your petitioner, the said infant plaintiff, Augusta Talbot, out of the trust funds in their hands belonging to your petitioner, or that your Lordship will make such other order in the premises as to your Lordship shall seem meet, and your petitioner will ever pray,*" &c.

The affidavit was an echo of the petition, Mr. Berkeley stating the different facts from his information and belief. It then set out the account of his visit to the convent, and proceeded thus :—

“ And I further say, that I believe it is one of the doctrines of the church of Rome, that no member of that church shall be permitted to exercise his private judgment in religious matters, but that in all such religious matters he is bound to submit to the authority of the said Romish Church and to the direction of the priesthood thereof. And I further say, I have been informed and believe, that a certain book or work in two volumes, under the title of ‘ Lectures on the Principal Doctrines and Practices of the Catholic Church,’ delivered at St. Mary’s, Moorfields, during the Lent of 1836, by Nicholas Wiseman, Doctor of Divinity, Professor in the University of Rome, Foreign Member of the Royal Society of Literature, Corresponding Member of the Royal Asiatic Society, and published by Joseph Booker, of 61, New Bond-street, London, in the year 1836, is the work and production of the said Nicholas Wiseman, and that the said Nicholas Wiseman is a high ecclesiastical authority in the Romish Church. And I further say, that at page 16 of the first volume of the said book or work, and under the head of ‘ Lecture I.,’ Introduction, the following passage occurs :—‘ The Catholic Church is thus a city to which avenues lead from every side, towards which men may travel from any quarter by the most diversified roads, by the thorny and rugged ways of strict investigation, by the more flowery paths of sentiment and feeling, but, arrived at its precincts, all find that there is but one door to the sheepfold—narrow and low perhaps, and causing flesh and blood to stoop as it passes in. They may wander about its outskirts, they may admire the goodness of its edifices and its bulwarks, but they cannot be its denizens and Children if they enter not by that one gate of absolute unconditional submission to the teaching of the Church.’ And I further say, that in the said work, under the head of Lecture III., page 76, the following passage occurs.—‘ For the moment any Catholic doubts, not alone the principle of his

faith, but any of those doctrines which are thereon based, the moment he allows himself to call in question any of the dogmas which the Catholic Church teaches as having been handed down within her, that moment the Church conceives him to have virtually abandoned all connexion with her, for she exacts such explicit obedience that if any member, however valuable, however he may have devoted his early talents to the illustration of her doctrines, fall away from his belief in any one point, he is cut off without reserve, and we have in our times seen striking and awful instances of this fact.'

"And I further say, that I verily believe that the above opinions and declarations of the said Nicholas Wiseman are the true doctrines of the Romish Church, and that the said infant Augusta Talbot has had them instilled into her mind to the exclusion of all other principles, and that the said infant, Augusta Talbot, is bound to submit to the will and dictation of the priesthood of the Church of Rome and of the said Miss Jerningham. And I verily believe, that if the said infant, Augusta Talbot, is allowed by this Court to remain a Postulant at the said convent, that the said infant, Augusta Talbot, will be compelled to take the veil and become a nun, and that the said sum of £80,000 will thereby become forfeited to the ecclesiastical revenues of the said Church of Rome, or to the endowment or enrichment of the said convent,\* or that the said infant, Augusta Talbot, will be compelled on her attaining her majority, by some assurance in the law, or by some other means or instrument, to transfer all her right and interest in the said sum of £80,000 for and towards the endowment or maintenance of some bishoprick or deanery or other ecclesiastical benefice of the said Church of Rome."

The ministerial crisis probably occupied all his Lordship's spare time, for he was unable to see Mr. Berkeley until the 10th of March. At that interview at the House of Lords, his Lordship informed Mr. Berkeley that he was

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\* A religeuse takes a triple vow, of poverty, chastity, and obedience. See the interesting case of *Fulham v Mc Carthy*, noticed in the appendix.



wrong in some of the statements contained in the petition and affidavit, and especially with respect to the intended marriage having been forced upon the young lady. Mr. Berkeley replied, his information came from Roman Catholics; that he considered it his duty to bring the matter to his Lordship's notice, and he requested his Lordship to appoint an officer of the Court, or his Lordship's own solicitor, to conduct the matter. His Lordship stated he could not do that. Mr. Berkeley then said he had no interest in the matter; that he had other ties, &c., &c.; and that unless he had presented such a case as would entitle him to his costs, he would not proceed further. His Lordship continued: "Mr. Berkeley, I can give no assurance on the subject of costs—that question will depend on the case made out by the guardian. When the matter is regularly before me, I will give it my best consideration." Mr. Berkeley then added, "If that is your Lordship's view of the case, I shall not proceed in Chancery, but shall present a petition to the House of Commons." Mr. Berkeley's conduct was here perfectly correct. To plunge headlong into the vortex of Chancery proceedings, to attack persons whose purse-strings, once untied for the vindication of their character, and for the defence of a priest and pseudo-Bishop of Southwark, would not be closed again until every hope of victory was gone, would have been foolhardiness. To have allowed the transaction to be hidden in the thick gloom of darkness, so well befitting its character—to have permitted the young lady to be thus severed, once and for ever, from all the innocent pleasures which a bountiful Creator has spread so lavishly around—to be debarred from all social joys, all

cheering hopes of domestic happiness, all home-scenes and household memories—in a word, to have kept silence while Miss Talbot remained in the nunnery, would have been to have shared in the guilt of the “Hendren-cum-Jerningham” clique, and to have aided and abetted the Popish plot. Accordingly, on the evening of March 14th, Sir Robert Inglis presented the following petition from Mr. Berkeley to the House of Commons :—

“That he intermarried with Augusta Talbot, the widow of George Henry Talbot, who was the half-brother of the present Earl of Shrewsbury. That the said George Henry Talbot left two children him surviving, namely, John, who was heir presumptive to the earldom, and Augusta, an infant, now of the age of 19 years and upwards. That the said infant, Augusta Talbot, resided with your petitioner and her mother up to the time of the death of the latter, which took place on the 25th day of April, 1841. That since that period and up to the month of September last the said infant, Augusta Talbot, has resided with the Earl and Countess of Shrewsbury.

“That in consequence of the death of the said John Talbot the said infant, Augusta Talbot, became absolutely entitled to a sum of £80,000, or thereabouts. That the said infant, Augusta Talbot, is a ward of the Court of Chancery. That in September last the said Earl and Countess of Shrewsbury placed the said infant, Augusta Talbot (notwithstanding she is a ward of court, as aforesaid), at the convent called the Lodge, situate at Taunton, in the county of Somerset, not as a pupil or visitor, but as a postulant, with the avowed object of allowing the said Augusta Talbot to take the veil and become a nun.

“That in the month of September next the period of probation or postulancy will have expired, and the said infant, Augusta Talbot, will be compelled by the rules and regulations of the said convent, and by the priesthood of the Roman Catholic Church, to take the white veil during her minority, and notwithstanding the said infant, Augusta Talbot, is a ward of the Court of Chancery. That having taken the white veil, there

is no retreat for the said infant, August Talbot, and she will be compelled to take the black veil in September, 1852, or shortly afterwards. That on the 6th day of June, 1852, the said infant, Augusta Talbot, will attain her 21st year, when she will become entitled to receive the said sum of £80,000. That being a nun at that period, the £80,000 will become confiscated to the said convent, or to the ecclesiastical revenues of the Church of Rome, or to the endowment, enrichment, or maintenance of some bishopric or deanery, or other ecclesiastical benefice of the said Church of Rome, or the said infant, Augusta Talbot, will be compelled by some assurance in the law to transfer all her right and interest in the said sum of £80,000.

“That it is one of the doctrines of the Church of Rome that no member of the said Church shall be permitted to exercise his or her private judgment in religious matters, but that in all such religious matters he or she is bound to submit to the authority of the said Romish Church, and to the direction of the priesthood thereof.

The petition set out the passages of Dr. Wiseman’s work as in the affidavit, and proceeded thus :—

“That the above opinions and declarations of the said Nicholas Wiseman are the true doctrines of the Roman Catholic Church, and that the said infant, Augusta Talbot, has had them instilled into her mind to the exclusion of all other principles ; and that the said infant, Augusta Talbot, is bound to submit to the will and dictation of the superior of the said convent, and the priesthood of the Church of Rome.

“That your petitioner is deprived of all communication and connexion with his step-daughter, the said infant, Augusta Talbot ; and your petitioner’s daughter, the half-sister and only near female relative of the said infant, Augusta Talbot, is also prevented from cultivating those natural feelings of affection which but for the reasons aforesaid would exist and grow up between them, to their mutual comfort and support.

“That your petitioner therefore humbly prays that the honourable the Commons of the United Kingdom of Great Britain and Ireland will be pleased to take his petition into

their serious consideration, and that they will be pleased to engraft a clause in the bill entitled the 'Ecclesiastical Titles Assumption Bill,' now before their honourable house, which will prevent such practices as are detailed in the said petition from taking place; and that they will introduce a clause enacting that no infant, whether a ward in Chancery or not, shall be permitted to be placed by her parents or guardian, or any other person whomsoever, in any convent or seminary, or place of education, or other institution attached to the Church of Rome, as a postulant during the minority of such infant, for the purpose of enabling or compelling any such infant to become a nun : and that in the event of any infant or infants being now or hereafter placed within the walls of any convent, seminary, place of education, or other institution attached to the said Church of Rome, as a postulant, for the purpose of becoming a nun, that the property, whether absolute or contingent, of any such infant or infants shall vest in and enure to the use of her Majesty, and shall and may be disposed of as her Majesty shall be pleased by warrant, under her sign manual, to direct or appoint; or that a clause may be introduced into the said bill for throwing protection round young persons who are now, or may be hereafter, placed in convents with a view of taking the veil therein, and appropriating their property thereto, either by placing such establishments under the supervision of inspectors' appointed by government, or by such other means as to the honourable house may seem best calculated to put a stop to the aforesaid practices.

“ And your petitioner will ever pray,

“ CRAVEN FITZHARDINGE BERKELEY.

“ Berkeley House, Spring Gardens.”

To the astonishment of Mr. Craven Berkeley, on the following evening, Mr. Reynolds, one of the members for Rome, rose in his place in the House of Commons and stated that it was untrue, that Miss Talbot was in the convent as a postulant.

Most opportunely, the letter from Dr. Hendren, already cited, appeared in the Times of Friday, March 21. On that evening, in the House of Commons, the following discussion took place :—

Sir R. H. Inglis said, in reference to the statement which he made some days ago when presenting a petition from the Hon. Craven Berkeley, the hon. member for Dublin had made a contrary statement. He begged at the outset that hon. gentleman would recollect that he had not made any statement whatever as from himself; his statements were merely those which were contained in the petition that he presented to that House: that petition set forth that Miss Augusta Talbot was at the time a postulant at a nunnery in or near Taunton. He understood that from the petitioner; and, as he had not since then had any opportunity of contradicting the statement of the hon. member for Dublin, he would now avail himself of the present occasion to read two letters which he had received from Mr. Craven Berkeley :—

“The truth of the statements contained in my petition has been impugned. That petition was not drawn up without due consideration. I adhere to, and am ready to verify on oath, every statement contained in that petition. I beg to refer you to a letter which appears in *The Times* newspaper of this day, bearing the signature of ‘J. W. Hendren,’ calling himself Bishop of Clifton, in which he admits that Miss Talbot is a postulant in a convent called the Lodge, at Taunton, and confirming another fact—that she was admitted at the time stated by me in the said petition. In fact, I rejoice to add that this bishop, as he calls himself, completely confirms every statement I have ever made, and will therefore place that censure and ignominy upon those who have had the temerity to attempt to cast the odium of falsehood upon myself. I therefore look forward to

your kind assistance this evening in placing the matter in its true light."

He also quoted from another letter from Mr. Berkeley, repeating his account of the conversation at the Convent.

Mr. Reynolds, in reply to Sir R. H. Inglis, observed, that he wished simply to state the facts out of which this inquiry arose, and he did rely upon the intelligence of the House, for taking a fair view of the matter which had been laid before them. The hon. baronet had read to the House letters from Mr. Craven Berkeley, and, so far from those letters setting that gentleman right, they set him more wrong than he was before. Now, he (Mr. Reynolds) had it from the best authority—he had it from the guardian of Miss Talbot—that that young lady was not now a postulant. What did Mr. Berkeley say in his petition? He said that Miss Talbot was not a pupil, but a postulant, with the avowed object of taking the veil and becoming a nun. That was misstatement No. 1.

He then referred to the letter of Dr. Hendren, but only quoting the part as to Mr. Berkeley's statement, that he had been deprived of all communication with Miss Talbot. He concluded by saying—he had authority for stating that Miss Talbot had never become a postulant.

Admiral Berkeley trusted the House would bear with him for a short time. The hon. member for Dublin had stated, in distinct terms, not merely that the statement put before the House, by the hon. member for Oxford University, on the part of his (Admiral Berkeley's) brother, was a misstatement, but went further, and said that it was a falsehood. But, if that brother now had the seat he once had in that House, the hon. member for

Dublin would not have dared to make that assertion. He was not about to bandy words with that honorable member, or with the reverend person whose letter had been quoted, because he was sure that if he were so to lower himself he should be beaten by unfair weapons. But this he would say, that the man who insinuated that his brother went to the convent, and took these proceedings because of this young lady's fortune, and not because his daughter was this young lady's half-sister, stated that which was absolutely and totally without foundation.

Mr. Reynolds begged to say that in the observations which he had addressed to the House, he did not use the word "falsehood." (Cries of Oh ! Oh ;) He begged to state, also, that he did not say that the object of the gallant admiral's brother in going to the convent was this young lady's money. He said merely that he thought, and he was still of this opinion, that it would be found an ingredient in the operation.

The Earl of Arundel and Surrey deprecated further discussion, as a petition had been brought into the Court of Chancery.

Sir B. Hall called the attention of the House to the fact that the statement of the petitioner to that House (Mr. C. Berkeley) had not only been once before impugned in the House, but that this contradiction was now again asserted to be true. He would now show the value of the contradiction of the hon. member (Mr. Reynolds). If that hon. gentleman had had the candour and fairness to give the information contained in the letter signed "J. W. Hendren," calling himself the Bishop of Clifton, he would have informed the House that Miss Talbot really was a postulant.

Having read part of Dr. Hendren's first letter (see supra) he continued:—Mr. C. Berkeley in his petition to this House stated that his step-daughter was a postulant. The hon. member for Dublin denied it. He (Sir B. Hall) now told him, on the authority of this letter, signed by the bishop, that what he (Mr. Reynolds) had stated was without foundation.

But the reader of these pages, if there be one, who sees these statements for the first time, will exclaim—Surely Mr. Reynolds did not know who Dr. Hendren was, and none can now doubt the postulancy of Miss Talbot. If further proof be needed, the *candid* affidavit of the afore-said Miss Jerningham affords ample corroboration. That lady does not inform us whether she shared in the consternation of the Lodge, at Miss Talbot's "begging" epistle, but her evidence is thus given, on paper, not in the witness-box.

"I, Louisa Jerningham, of the Lodge, Taunton, in the county of Somerset, spinster, make oath, and say that I am the superior at the convent, at the said Lodge, and at which there is also a school kept for young ladies, and at which school the above-named Augusta Talbot has received her education. And I say that in the month of September last, I was applied to and, *as I best recollect* and believe, through the medium of Dr. Winter, the chaplain of the Earl of Shrewsbury, to allow the said Augusta Talbot to pass some time as a boarder at the said convent, and that I replied, as the fact was, that it was against the rule of the said convent to receive any young lady there as a boarder, or otherwise than as a postulant, or person who wished to make trial of a conventual life, with a view of forming an opinion respecting the same, and that I could not receive the said Augusta Talbot as a boarder, or otherwise than as a postulant, without the sanction of the bishop: and I referred the said Dr. Winter to the said bishop, Dr. Hendren;



and I say that I was, and am under the impression that the said Dr. Hendren gave permission that the said Augusta Talbot might be received at the said convent; but that, by reason of the said rule, she should, though an inmate, only be nominally a postulant. But, I say, that *I never did in fact consider*, nor did the said Augusta Talbot suppose, or consider, that the said Augusta Talbot went to the said convent as an ordinary or usual postulant, or in any other capacity than as an inmate, and for a temporary purpose, though nominally, *for the reason aforesaid, as a postulant*. And, I say, that every person who goes to the said convent as a postulant, is required to undergo, and does within a fortnight of coming undergo, certain religious ceremonies, which constitute the admission of such persons into their postulancy; but, I say, that the said Augusta Talbot has never in fact gone through any such religious ceremony, and has never been admitted into any postulancy, and has never been required to wear, and has never worn, any dress as a postulant, or any other than a secular dress since she so went to the said convent. And I say, that the said Augusta Talbot neither went nor was sent, to the said convent in September last, as a postulant or with the avowed object, by compulsion or otherwise, of taking the veil and becoming a nun, or with any other object as aforesaid. And I further say, that I perfectly well remember the visit of the Hon. Craven Fitzhardinge Berkeley to the said convent on the 14th day of February; and I say that the said Craven Fitzhardinge Berkeley did not on that occasion speak to the said Augusta Talbot, in my presence or hearing, about any dying injunction of her mother; nor did he ask her if she was a postulant, nor did she reply that she was; but he asked her if she really intended to be a nun, and that the said Augusta Talbot replied to the effect, that there was time enough to think of that. And I further say, no mention whatever was made by the said Augusta Talbot to the effect that she had still six months' time before her postulancy would expire; and I say that no opposition was offered, either by the said Augusta Talbot or by myself, to the proposal of the said Craven Fitzhardinge Berkeley to come again and bring his little daughter, the half-sister of the said Augusta Talbot, with him; and

I deny that I admitted to the said Craven Fitzhardinge Berkeley that the said infant was placed at the said convent by the said Earl, with the full intention that she should take the veil, or that she was at that time an *ordinary* postulant for that purpose, or to that effect; and I deny that the said Augusta Talbot, during the said interview, evinced by her manner or appearance, or that it was the fact, that she was not a free agent, or that she from time to time directed anxious glances towards me before she replied to the questions of the said Craven Fitzhardinge Berkeley, or that she laboured under any fear or undue restraint, or that it was utterly impossible or hopeless to extract the true wishes or feelings of the said infant while in my presence; for I say, according to the best of my judgment and belief, the said infant, during the said interview, spoke her mind with perfect freedom and uninfluenced by me to the said Craven Fitzhardinge Berkeley; and I further say, that I did not state to the said Craven Fitzhardinge Berkeley that the said Augusta Talbot would take the white veil in September next, or that she would take the black veil in September, 1852; but I say that during the said interview the said Craven Fitzhardinge Berkeley asked me various questions in respect of the rules of the said convent, and in particular what were the usual periods at which the black and white veils could respectively be taken, and that I replied, the period varied in different orders; that with us (meaning at the Lodge at Taunton) there were no fixed periods, that it was sometimes three months, but it might be six months, or a year, or more, and depended on age and circumstances, and the wishes of friends, or to that effect; and I also stated that a year must elapse between taking the white and black veil; but I say that the said conversation between me and the said Craven Fitzhardinge Berkeley took place with reference to the general rules of the said convent, and not with reference to the said Augusta Talbot, or with any particular reference to her, as alleged or insinuated by the said Craven Fitzhardinge Berkeley, and although I think it probable and believe that I may have said to the said Fitzhardinge Berkeley 'that no young lady was admitted to the convent a second time except as a postulant,' or to that effect, yet I have

no doubt that *if I used any such phrase (! !)* I did so for the purpose of explaining to the said Craven Fitzhardinge Berkeley that the said Augusta Talbot, though nominally a postulant (by reason of the said rule), was in fact an inmate only. And I positively deny that I stated most unreservedly to the said Craven Fitzhardinge Berkeley that the said Augusta Talbot was placed at the said convent in September, 1850, by the said Earl with the full intention that she should take the veil, or to that effect, or otherwise than as aforesaid, or that the said Augusta Talbot replied or said that she was not eligible for the black veil for eighteen months and upwards, or to that effect. And I further say that I knew that the said Augusta Talbot was a ward of Court, and that on that account I would not have allowed her to become a postulant, or to take the white veil, or to become a novice in the said convent, until she had attained her full age of twenty-one years, unless with the special permission of the Lord Chancellor, and that I should not have considered myself authorized so to do had I even been asked by the said Earl or Countess of Shrewsbury to consent thereto. And I further say that I deny it to be true that I have exercised any kind of control or influence over the said Augusta Talbot or attempted in any way to induce her to become a nun. And I further say that I told the said Craven Fitzhardinge Berkeley during his said visit on the 14th of February last that we called the said Augusta Talbot a postulant. And I say that upon my so saying the said Craven Fitzhardinge Berkeley asked if the said Augusta Talbot was likely to become a nun ; that I replied that it was as likely as not, or words to that effect. And I say that when the said Craven Fitzhardinge Berkeley asked me to see the said infant alone, I replied, as the fact was, that the said Earl had requested that no person, except with the authority of her guardian, Dr. Doyle, or his solicitor, should see the infant otherwise than in my presence, or to that effect."

The Tablet, a high Romanist journal, calls this a "plain and simple" statement ; but fain would we forget that it was made by a lady entrusted with the responsible duties of education, and gladly would we believe that it was the

truth, the whole truth, and nothing but the truth.\* Little as the transaction redounds to the credit of any of the clique, we cannot believe her capable of framing it herself. Such evasions, such double meanings, such roundabout phrases, such contradictions alike to Mr. Berkeley and to Dr. Hendren, can only be accounted for by supposing that the affidavit was drawn by others, and sent to her for signature. Plainly there is a juggle somewhere.

The *obligation* to tell the truth is the same upon all—Protestants or Romanists—aye, and upon Jesuits too ; but after the perusal of these statements can any one say, that this obligation has been fulfilled *both* by Dr. Hendren and by Miss Jerningham ?

No casuistry, no shuffling can reconcile them, To any one who should gravely say, that he was satisfied with both, we should answer,

“ Doubtless the pleasure is as great,  
Of being cheated as to cheat.”

Was there a child in the convent who did not treat her as a postulant ? Was she not there spoken of as an intended nun ? Was there not a plan in contemplation, nay, was there not a contract at least in the course of negotiation for the building of some magnificent additions to the Lodge—possibly a cathedral for the future see of Taunton ? Was not £1500 paid for a site of three acres ? Such a

\* In the course of the argument several statements were made as to Dr. Doyle's affidavit, and the Solicitor-General remarked :—

‘ He did not doubt that what he said was true ; but what he thought right to keep back he could not possibly say ; he only took the affidavit as it was before him.’

The Lord Chancellor : ‘ I don't assent to that proposition. The deponent is bound to *tell the whole truth*, and his keeping back a part might give a false colouring to his statement.’

report has reached our ears, and if true, it would explain Dr. Hendren's meaning when he wrote :—" One thing I know, that this property will not be given to the convent where she is."

Before proceeding to give Mr. Berkeley's answer to this affidavit, some assistance in interpreting these words of doubtful import, may be furnished by an attentive perusal of the sayings and doings of the Sisterhood of Ranelagh Convent, in Ireland, as detailed in the case of *Whyte v. Read*. (2 Irish Equity Rep. 420.) It was a bill filed to set aside a conveyance to the convent, obtained under the following circumstances.

Miss Whyte, in 1825, being then eighteen years of age, went to reside at Ranelagh Convent, in Ireland, whether as a postulant for the order of nuns, residing therein, *or as a pupil, was controverted*; but it was clearly proved, that her friends were very averse to her becoming a nun; and the bill charged, and some witnesses deposed that the defendants, in order to induce them to agree to plaintiff's residing in the nunnery, expressly promised that she should not be professed until she attained the age of twenty-one years, and that her friends should be apprised previously, and that it was upon that express condition the consent of her friends was obtained; that it was agreed that she should pay £600 for all her expenses in the convent for her life, if she should remain; that in 1827 the defendant induced her to become a nun, *under twenty-one*, and in the absence of, and without apprising her friends; that she was professed privately in the evening; but plaintiff admitted she was then willing to become a nun; that being under age, the £600 was not paid, but

that £60 a year was paid until 1829, when £1000 three and a half per cent stock was transferred by her for the use of the defendants ; that in March 1829, *being very ill*, she was induced to make over her real property for the benefit of the Society ; and accordingly by deed of lease and release, she granted to these defendants the lands of Trudder and part of the lands of Woodpark, for her interest therein, upon trust as to the latter, for the use of the Society, and as to the former, for herself for life ; and after her death, upon trust, that the defendants should retain for the Society £17 per *annum*, and to pay the residue to her sister and her sister's children, the other defendants in the cause ; that upon this occasion Terence Dolan, the attorney of the said Society, and the brother of the defendant, Catherine M. Dolan, prepared the deed, and plaintiff had not the assistance of any professional friend, although one John Mills was at this time her attorney. She admitted she privately left the convent in 1827, and after remaining with her friends a week, voluntarily returned to the convent. The bill further charged, and evidence was given in support of the allegation ; that plaintiff was excluded from the society of her friends ; that she finally quitted the convent in 1836, and had been since in receipt of the rents.

The defendants, in their answer, denied the agreement not to profess her until she attained the age of twenty-one years ; insisted that they wrote word to her sister in time to be present at the profession, or to have interfered to prevent it, and did not write to her other friends, because plaintiff did not express any wish that they should do so ; and relied on the statute of limitations in bar of the account ; that the cause of refusing some of her friends was,

that they had assisted her in privately withdrawing from the convent, and as to the others, that by the rules of the convent, only certain days were set apart for receiving visitors, and all persons calling on the other days were excluded.

Mr. Dolan, in his depositions stated, that he had been employed by Miss Whyte as her attorney at least four times since she came to reside at Ranelagh, in the management of her property, and specified the occasions; *that she was not under any restraint of any person whatsoever*; that she communicated to him *fully and freely her own free and unbiassed wishes* respecting such professional business; that Mr. Mills during this time acted for plaintiff's sister, and not for the plaintiff. In further depositions on the part of the defendants, it was stated that they always treated the plaintiff with great kindness and attention; that they never endeavoured to induce her to dispose of her property *contrary to her own inclination*; that the cause of excluding her friends was, that visitors are only admitted on certain days by the rules of the society; and that she stated, on her return to the convent, that while away, a *Mr. Meekings proposed to marry her*. After argument the following very powerful and consistent judgment was given by Baron Pennefather.

“In the year 1825, this young woman entered into the establishment of the defendants as a lodger, and unquestionably not as a person who had irrevocably bound herself to take the veil. That this was so is quite manifest, independent of the express evidence of what was stipulated at the time she entered the convent. And what is that which was stipulated, and which ought to have been done without express arrangement? namely, that she was not to be professed until she attained the age of twenty-one,

nor even then, without communicating with her friends ; that is the evidence of one of the witnesses (Mr. Henry) ; it is not denied, nor can there be a doubt thrown upon it. Under that stipulation she entered the convent, and it was further agreed that she was to pay £40 a-year until she took the veil, and £600 afterwards ; the defendants have no pretence to claim the £600, until she took the veil. When the case, therefore, is put upon contract, there is no foundation for it ;—the contract was violated in every material point by the defendants ; because the petitioner took the veil, and we must suppose by the influence of the defendants, while she was under age—contrary to the duty of the defendants—even without any agreement upon the subject ; but also in direct violation of the express agreement they entered into with the petitioner and her friends. In February, 1827, she remains under the same influence, it must be supposed ; which, give me leave to say, is contestably proved by her having taken the veil ; and so she continues until 1829, when she becomes unwell. Her brother-in-law is denied access to her ; her sister is allowed to see her, but never without a member of the convent being present ; and, in such circumstances as these, she transfers £1100 to the defendants, and the whole of her real estate, with the exception of some small portion of it, which she gave to her relations. Can it be seriously said, that a transaction like this ought to stand ? that a deed, executed by a person placed at a convent like this person—placed in a situation *where that undue influence is more likely to be exercised than in any other* which Courts of Equity should interfere to prevent ; and shall it not be presumed, beyond almost a doubt so strong as not to be rebutted,



that the documents in question were executed by the petitioner under undue influence? But this is not all; the deed was got up by Mr. Dolan, the professional friend of the convent, without the presence of any professional friend, or of any friend at all of the infant; and this *gentleman takes upon himself to swear that these ladies are so incapable of erring, that all this young woman has done, was done without the slightest influence having been exercised over her—the spontaneous effusion of her own mind!* When we find him thus volunteering to swear what the Searcher of hearts alone could tell, *is it not plain that he gave his heart and mind, not to the unfortunate victim upon whom he was about to practice as far as he was able, but to the defendants in this cause?* He is not called upon to say whether the deed was technical or not, or whether counsel drew it; we do not want to know what Miss Whyte said to him; what we seek to know is this, if she had an intention to make this disposition of her property, how it was produced? And no man can doubt that it was produced by the influence of young ladies over a young person, secluded from every friend; her nearest relatives excluded from her. Can we hesitate for one moment to believe, that the intention was produced by an exercise of influence on the part of those who ought not to be engaged in secular pursuits, but ought to have been devoted to the instruction of the petitioner's mind? Upon the whole we think, without any doubt, that we ought to decree a re-conveyance." And a decree was accordingly made.

We might well leave the case here; but anxious to put all the documents before the public, we proceed to give

Mr. C. Berkeley's statement, and also those of Dr. Doyle, Mr. Norris, and the letter of Miss Talbot herself.

First, however, we pray our readers to turn back and re-peruse Miss Jerningham's candid affidavit, and reflect upon the resemblances between the Ranelagh and the Lodge schemes; which, but for Mr. C. Berkeley's interference, would have been coincident to the end.

Mr. C. Berkeley's affidavit, in answer to Miss Jerningham's, is as follows:—

“ I, Craven Berkeley, &c., make oath and say, that I have a distinct and vivid recollection of all that transpired on the 14th day of February, 1850, during my visit to the convent called the ‘Lodge,’ situate at Taunton, in the county of Somerset, and more especially from the fact of my having, immediately after I left the said convent, reduced to writing, by the advice of my solicitor, Mr. Corfield, the conversation that took place between Miss Jerningham and myself, and also between the infant, Augusta Talbot, and myself; and I further say, that in talking matters over with the said Miss Jerningham, she stated, ‘that no young lady was admitted a second time to the said convent, except as a postulant.’ And I further say, that the said Miss Jerningham stated most unreservedly, ‘that the said infant, Augusta Talbot, was placed at the said convent in the month of September, 1850, by the abovenamed John, Earl of Shrewsbury, with the full intention that the said infant, Augusta Talbot, should take the veil;’ and the said Miss Jerningham admitted that the said infant, Augusta Talbot, was a postulant at that time for that purpose. And I further say, that when the said infant, Augusta Talbot, was introduced into the room, in consequence of what had been stated by the said Miss Jerningham, I asked her distinctly, ‘Whether it was her wish to remain for ever in the said convent?’ when the infant, Augusta Talbot, replied, ‘Oh, there is time enough yet to decide that, as I am not eligible for the black veil for eighteen months and upwards.’ And I further say, I requested of the

said Miss Jerningham to be left alone with the said infant, Augusta Talbot, for a short time, as I desired to have a little unrestrained conversation with her, when the said Miss Jerningham informed me 'that Lord Shrewsbury had given positive instructions in September last, when he left her there, that she never was to see any one for an instant, unless in the presence of a Superior or Vicarress.' And I further say, that the above language was made use of by Miss Jerningham and the said infant, Augusta Talbot, and the above words within the inverted commas were written by me, immediately after the said interview, on the said 14th day of February, 1850, and that I could not by any possibility be mistaken. And I further say, that notwithstanding the petition which was presented on the 7th day of January, 1843, and notwithstanding the order made thereupon by his Honour the Vice-Chancellor of England, I have been informed, and verily believe, that the said Earl of Shrewsbury, and the said Thomas Doyle, or one of them, again placed the said infant, Augusta Talbot, at the said convent, or allowed her to remain as a pupil there for a period of five years or thereabouts."

The only other evidence upon the question, is that which is quite beside the point ;—we mean, that Dr. Doyle and Mr. Norris were informed by the Earl of Shrewsbury, that they had placed her there with her own consent as a boarder ; and that Mr. Norris visited the convent on the 17th of March, which he thus describes :—

“The said Augusta Talbot was in a secular dress and not in the dress of a novice or postulant ; and that I requested the Superior of the said convent to leave the room (it is not said she did leave the room) in order that I might ask said Augusta Talbot, as representing her said guardian, whether she was then at said convent by her own free will and consent, and to which the said Augusta Talbot replied that she was, and that she was willing to return to London in the spring to be placed under the protection of some lady of suitable position, as the

Lord Chancellor might direct; and the said Augusta Talbot informed me that the said C. F. Berkeley had been lately at the convent to see her. The said Superior of the convent expressed to me, in the presence of said Augusta Talbot, her extreme desire that the said Augusta Talbot should not become a nun, but should be introduced into society. I say, that to the best of my belief, the allegation that the Earl and Countess placed her at the said convent "not as a pupil or visitor, but as a postulant, with the avowed object of allowing her to take the veil and become a nun," is not true, but that the said Augusta Talbot went to the convent in September last by her own wish and desire, and as a visitor only, and not as a postulant; I am further informed, that she never has worn the dress of a postulant since she returned to the convent in September last. I am informed, and believe, that previously to the recent visit of C. F. Berkeley, the said Augusta Talbot had determined in consequence of the state of her health to shorten the period during which she had previously purposed to remain as a visitor at the convent; and that the said Thomas Doyle had advised her not to become a nun, and that at my interview with the said Augusta Talbot on the 17th of March, instant, she expressed her wish and desire to comply with the wishes of the Lord Chancellor in her regard."

This letter confirms Dr. Hendren's statement, inasmuch as it shews that it had been proposed that she should become a nun, or why did Dr. Doyle *dissuade* her?

We would also ask why the Lady Abbess did not at all refer to her intention to shorten her residence there as a visitor? \* Dr. Doyle's affidavit is only a statement of what he had heard from the Earl and Countess of Shrewsbury, and is really worthless as evidence, but we will give his own words:—

"I was informed, and verily believe, and have no doubt whatever, that the said infant went back to the said convent

\* See also Dr. Hendren's Letter, *infra*.

of her own will, and that she had very great pleasure and satisfaction in doing so.

“That on the said Earl and Countess going abroad, in the month of September, 1850, they informed me that they had placed the said Augusta Talbot, with her own consent, as a boarder at the said convent at Taunton.

“I say, that the said proposal was so abandoned chiefly by reason of the opposition (see supra 26); and I say that I have reason to believe that the proposed marriage was abandoned with the approbation of the Earl and Countess, inasmuch as while they were passing through London, on their way to the continent, I saw the Earl in London, and he stated to me that he thought it was as well that the same had gone off, or to that effect; and I say that the Earl and Countess had previously told me that the marriage was agreeable to the said infant, and I say that on the last-mentioned occasion while in London, the said Earl informed me, and I believe and have no doubt that it is the fact, that the said infant had been sent by him to the convent at Taunton Lodge, and placed there as a boarder, and that she had gone there at her own particular request, and by reason of her having many friends there, or to that effect.”

It remains only to add Miss Augusta Talbot's own letter to the Lord Chancellor :—

“*Tuesday, March 18, Taunton.*

“My Lord,—You will, of course, see what I have written,\* in answer to Mr. Craven Berkeley's false statements, and I am sure in such a case you will think it only just for me to express myself what is the pure truth, as I have done. It is scarcely credible how a gentleman can act as Mr. Craven Berkeley has done; for, I assure you, my Lord, he was down here at the convent himself on the 14th of February. He then asked me a numerous set form of questions, as if he had some object in view, but wished to get a little information beforehand; and,

\* This refers to a petition to Parliament sent up at the same time as the letter, and intended to have been presented, but which has not been made public. Was that too written by herself?

at his departure, he said he should come again, and bring with him a little half-sister of mine. No opposition was made, for how could we know how Mr. C. Berkeley intended to act? But, after the manner in which he has spoken of the convent at Taunton, where I have spent the happiest days of my life, and where I have experienced for nine years the most unchanging kindness,—how could I read his petition, and not feel a just indignation at such conduct? So that it is now, my Lord, my own free and deliberate wish never again to see Mr. Craven Berkeley. Should I meet him anywhere, he would not surely be the first to address me, and, most assuredly, I should not. He has disgraced himself for ever in my eyes, and I should think in the eyes of every just and reasonable person. Believe me, my Lord, it is I alone in this house who have shown any feeling of indignation; for all under this roof are too good to let any feeling rise but that which every one must naturally feel, compassion for so weak and dishonourable a man. This letter your Lordship is at liberty to show to whom you please. I do not feel to have said more than I ought. I may have spoken strongly of Mr. C. Berkeley's conduct, but I have not passed the limits of truth and justice. I must add, that every word of this letter is from myself. I am alone while writing it; and, therefore, no one can allege that I have been prompted by any one; every word is the result of my own thoughts and reflection.

“Mr. Norris, whom I saw on Monday, told me of your Lordship's wish that I should go up to town again and see a little more of the world. It will cost me much certainly to leave Taunton, where are all my dearest and truest friends; but your Lordship acts for the best, and I would not therefore on any account oppose your wishes. After Easter I shall be ready to yield myself, and again enter a world whose charms I can never value.

“Thanking your Lordship for the kind interest you have taken in my welfare,

“I remain, yours respectfully,

“AUGUSTA TALBOT.”

It would be unfair and unmanly to criticize this letter.

It is sufficient to bear in mind where and when it was written, and many may agree with Mr. Berkeley, who, in his affidavit of March 25, after setting out Dr. Hendren's letter, (see supra 32 and infra 66) thus proceeds :—

“ And I further say, that I verily believe the statement therein contained, ‘ the Lord Chancellor decided that she should return as a boarder to the convent,’ is utterly false and untrue. And I further say, that every statement concerning me in the said letter, except that, ‘ had not seen his step-daughter, nor seemed to trouble himself about her,’ as to which I have already given an explanation, is wholly false. And I further say I have read a second letter from the said J. W. Hendren, published in ‘ The Times ’ on the 22d of March, inst., and, as I am the only person specifically calumniated in that said letter. I content myself with saying that the statements therein affecting myself are wholly false and untrue. And I further say, that I verily believe that if, on the occasion of my visit to the said infant, Augusta Talbot, more particularly mentioned in my former affidavit, I had been allowed an unrestrained conversation with her, I should have ascertained the whole truth from her own lips, of matters, which, for reasons best known to herself and the said Countess of Shrewsbury, the said Earl of Shrewsbury prevented coming to light, by ordering the superior not to allow any person to communicate with the said infant, Augusta Talbot, except in the presence of herself or the vicarress of the said convent. And I further say, that I verily believe the said infant, Augusta Talbot, has been trepanned into writing the letter to the Lord High Chancellor by the said J. W. Hendren, who states that he is the ecclesiastical superior of the said convent, and who in that capacity has almost daily visited the said infant, Augusta Talbot, or by some person acting under his authority, and I verily believe that the said J. W. Hendren, together with the superior of the said convent, exercise absolute and unconditional control over every feeling of the heart of the said infant, Augusta Talbot, and over every motive and action of her life ; and I further say that for the

reasons aforesaid the said J. W. Hendren is wholly unworthy of credit; and I further say that for the reasons contained in this and my former affidavits, it is of vital importance to the interests and future prospects in life of the said infant, Augusta Talbot, that the remainder of her minority should be spent under the auspices and roof of some noble family other than the said Earl and Countess of Shrewsbury, who have evinced such a thorough want of affection towards the said infant, Augusta Talbot, and who have utterly disregarded the said order of the 27th day of July, 1843; and I further say that the fortune of the said infant, Augusta Talbot, amounts to the sum of £85,000, and upwards, and that by the said affidavit of Anthony Norris, filed the 21st day of March, 1851, it appears that the Master to whom this cause stands referred has found that in the event of the death of the said infant, Augusta Talbot, under the age of twenty one years, and without having been married, the said fortune of £85,000 would belong to the Earl of Shrewsbury."

The evidence may be thus summed up. The rules of the convent prevent Miss Talbot being there, except as a postulant, without the permission of Dr. Hendren. Dr. Hendren states she was there as a postulant. Mr. Berkeley states that Miss Jerningham described her as a postulant.

Miss Jerningham says that she did not consider her as an *ordinary* or usual postulant; and that she was under the *impression* that Dr. Hendren had given his permission for her to be only nominally a postulant. Dr. Doyle and Mr. Norris say that the Earl of Shrewsbury told them she was a boarder.

Dr. Winter is silent, and the letters that passed *are not produced*; but it is admitted that the absence of the Earl and Countess was indefinite; and that during their absence, *no one was to be allowed to see Miss Augusta Talbot—the visitor or boarder of her own free will—alone, except by the*



authority of Dr. Doyle or his solicitor? It is not our purpose here to dwell upon the science of bringing the feelings and sentiments of an artless, inexperienced girl of nineteen or twenty into the requisite subjection, so that her acts, even that of self-sacrifice without knowing the nature of that sacrifice, may put on the guise of willingness,—a science practised to perfection by the priests of implicit obedience—but we put another test. Reader, do you believe that if Mr. C. Berkeley had not come forward, that Miss Augusta Talbot would have been a boarder or a postulant? Would she have been allowed to say she had never been a postulant? Mr. Bumble, the beadle, when the audacious Oliver asked for ‘more’ was not more horror-struck than Miss Jerningham would have been, had Miss Talbot, the boarder-postulant, at the end of six months informed her that she was only a boarder. The rules would have been referred to, Dr. Hendren would have been appealed to, and all the faded blue merinos and straw bonnets would have been forgotten, and the nominal postulant would have taken the white veil. Of her own free will, of course, just as poor Miss Whyte acted of her own free will, and Miss Macarthy, and Mathurin Carré, and the ecclesiastical superior would have smiled approvingly, and the £85,000 would have been appropriated, of course, by her own *free will!* and the site for which £1500 was paid would have been built upon. Away with such abuse of words, such mockery of common sense.

It will be convenient here to insert the rest of Dr. Hendren’s epistolary effusions, but we will forbear commenting minutely upon their transparent sophistry and reckless effrontery.

The first letter thus concluded :—(see the commencement, *supra* 32.)

“ Some five or six weeks ago Mr. C. F. Berkeley, who had not seen his step-daughter nor seemed to trouble himself about her, presented himself at the convent, saw Miss Talbot, and ascertained from her that she was there by her own free choice, and that *she had no intention to leave* as far as that depended on herself. He then alluded to the disposal of her property, hoped it would not all be given to the convent, reminded her that she had friends, &c., but quickly found he was not likely to get any share of it. From these facts different people may deduce different conclusions, with which, however, I have nothing to do ; but I may fairly ask, what right has Mr. C. F. Berkeley to meddle with Miss Talbot’s affairs? He is not her parent ; he is not her guardian ; he is in no way entitled to interfere with her. It was right, perhaps, to let him see her once, that he might see and be convinced that she was under no constraint. But he will not be allowed to see her again, that is to vex and tease her—of that he may be sure.

Now, Sir, about compulsion, and such like matters. Miss Talbot knows full well, and so does, or may, or ought to know, every one who talks or writes on such subjects, that she is at perfect liberty, in conscience as well as by law, to leave the convent any day she may feel so inclined. It is utterly false to say that next September, or at any other time, she will be compelled to put on the “ white veil.” It is equally false to say that in September, 1852, or at any other time, she will be compelled to put on the “ black veil.” If, indeed, she chooses to put on the said black veil, then she will not be free in conscience to leave the convent ; that is, it cannot be allowed her to violate the solemn promises she will then have made to God.

“ Let me tell you, Sir, if you are ignorant of it, that the Catholic Church has made every possible provision against compelling any one to enter a convent ; that she has threatened with the severest penalties she can inflict every one who in any way compels another to embrace the conventual life, as also all who in any way concur in so grievous a crime. I give you the

text of the Tridentine decree on this subject (Sess. 25, De Reg. et Mon., c. 18) :—"Anathemati subjicit s. synodus omnes et singulas personas, cujuscumque qualitatis vel conditionis fuerint, tam clericos quam laicos, sæculares vel regulares, atque etiam qualibet dignitate fungentes, si quomodocumque coegerint aliquam virginem vel viduam aut aliam quamcumque mulierum invitam . . . . ad ingrediendum monasterium, vel ad suscipiendum habitum cujuscumque religionis, vel ad emittendam professionem quique consilium, auxilium, vel favorem dederint; quique scientes eam non sponte ingredi monasterium, aut habitum suscipere, aut professionem emittere, quoquo modo eidem actui vel præsentiam vel consensum vel auctoritatem interposuerint." This surely is strong enough. But, moreover, the bishop is bound to ascertain by personal examination (either by himself or deputy) before the profession (or "putting on of the black veil") that there as been no compulsion, no undue influence employed; that it is with her own free consent, and at her own request, that the novice takes the vows. (*Ibid.*, c. 17.) (See Miss Whyte's case.) Now, Sir, what more could be done to insure liberty of choice? If these laws have been violated by wicked men, that surely is no fault of the church. No laws of God or man can restrain the wickedness of some men who are hankering after the property of their relatives, for the purpose either of getting it for themselves, or of aggrandizing an elder branch of their family. I do not deny that such violence may sometimes have been employed; but I say again, this is not the fault of the church, and I add that even in this case the victim is not without a remedy. There is another law of the church, in virtue of which, whoever has been subjected to such compulsion, may protest against her profession at any time within five years after it, *and if she can prove* that her profession was made against her will, she will be allowed to quit the convent, and no one, under any pretext, will be able to detain her. So much for compulsion, and I am not sorry to have found this opportunity of explaining a subject which is continually misunderstood by fools, and misrepresented by knaves.

"There are still some other points to be discussed in refer-

ence to this case of Miss Talbot, on which, with your permission, I will address you again.

“ In the meantime, I am, Sir, your obedient servant,

“ J. W. HENDREN, Bishop of Clifton.

“ Clifton, March 18.

The second letter was as follows :—

“ Sir,—With your permission I would resume my observations on the case of Miss Talbot, brought forward by the Hon. Craven F. Berkeley.

“ Of the amount of Miss Talbot's property I have no authentic information, having never made any inquiry on the subject; but I believe it is nearly what Mr. C. F. Berkeley has stated. Neither do I know how Miss Talbot intends to dispose of it, having never asked her a question about it, nor dropped the slightest hint, nor offered a single suggestion. When she has attained her majority she will be as free to dispose of it according to her own inclination as she is now to remain in the convent or to leave it. One thing I *know*—*that this property will not be given to the convent where she is*. It is utterly false to say that she will be obliged to give it to *that convent*, (observe the pronoun *that*!) and Mr. C. F. Berkeley knows it is false. At his last interview with her (14th of February), he himself observed, that should she become a nun, she would have full control over her property, and would not be at all obliged to give it to the convent; to which she coolly replied, “ I know that.” This was told me a few days after the interview, and yesterday it was repeated to me in precisely the same terms. But, indeed, I would not allow such a thing to be done—that is, I would not allow that community to receive such a sum, even if Miss Talbot, or any one else, had ever dreamed of such a thing.

“ Permit me here again to quote the provisions of the Council of Trent (See xxv. de Regul. et Monial., c. 16),—“ *Nulla quoque renunciatio aut obligatio antea facta, etiam cum juramento vel in favorem cujuscumque causæ piæ, valeat nisi cum licentia episcopi sive ejus vicarii fiat intra duos menses proximos ante professionem; ac non alias intelligatur effectum suum sortiri nisi secuta professione . . . sed neque ante pro-*

fessionem, excepto victu et vestitu novitii vel novitiæ illius tempore, quo in probatione est, quocumque pretextu, a parentibus vel propinquis aut curatoribus ejus, monasterio aliquid ex bonis ejus tribuatur, ne hac occasione discedere nequeat quod totam vel majorem partem substantiæ suæ monasterium possideat, nec facile si disceserit id recuperare possit : quin potius præcipit S. Synodus, sub anathematis pœna, dantibus et recipientibus ne hoc ullo modo fiat, et ut abeuntibus ante professionem omnia restituantur quæ sua erant." And here, Sir, I ask, what could the Church do more to insure the liberty and secure the property of these novices ?

I think it probable that if Miss Talbot becomes a nun, a portion of her property will be devoted to religious and charitable purposes ; and why not ? The Catholic Church in England is very poorly provided. Everywhere we want churches, and chapels, and schools, and hospitals, and orphanages, &c., and cannot find the means for erecting them, still less for endowing them. Now, we think it is good to contribute money to such objects. We think even it is better than to give it to those who might squander it on horse-racing, gambling, and profligacy. We frequently meet in newspapers with paragraphs headed "munificent donation" or "bequest," made by Protestants, who are greatly bepraised for what they have done, and the reader is usually exhorted to "go and do likewise ;" and, we ask, if it is praiseworthy in Protestants to do such things, why is it blameable in Catholics ? But, after all, it is idle to speculate on what will be done in case Miss Talbot takes the vows, for the case may not occur. She may change her mind and leave the convent, or her health may oblige her to leave it, or she may be judged not qualified for the conventual life, or many other impediments may occur."

"As to the declamation about "manœuvres and intrigues of the Roman Catholic priesthood," "religious feelings of a credulous girl," "influence of a conventual life," "direction of an astute priest," "caves of Cacus," "series of artifices and manœuvres," &c., we Catholics are too much accustomed to it to regard it much. Nevertheless, I beg leave to say it is rather too much to assume that all Catholic priests are, or may be, not

only capable, but, when an occasion offers, actually guilty of fraud, imposture, falsehood, villany, selfishness, unscrupulous and remorseless, and, in fine, destitute of all principle and all moral sense. It is too much to assume that our poor nuns, the glory and honour of the Church in our days as they were in those of St. Cyprian (A.D. 250), are equally wicked. It is too much also to assume that our laity all, whatever may be their rank, their intelligence, their learning, their piety, are the obsequious slaves of this villanous priesthood—that they dare not on any subject think or act for themselves. And yet all this is assumed in the invectives continually poured forth on Catholics and Catholic priests. It is assumed in the petition of Mr. C. F. Berkeley, it is assumed in your own observations, and the denials I have given to some of these misstatements will not be admitted by furious Protestant bigots. *They will be attributed to the system of equivocation, falsehood, perjury, &c.,* adopted and practised by Catholic priests. This is the justice and fair play we meet with from our adversaries. You say, “Her interest in this large sum of money at once made her a mark for the manœuvres and intrigues of the Roman Catholic priesthood.” Permit me, Sir, to ask you, how do you know this? what proof of it have you? The Cummings, M’Neiles, and such like, would immediately answer, “Oh, it may safely be presumed from the well-known character of the Catholic priesthood—there can be no doubt about it,” &c. And upon these presumptions we are condemned without a hearing, and this by liberal-minded, generous, intelligent, and so forth, Englishmen. It is the old story of the wolf and the lamb, or “give a dog a bad name,” &c.

“But permit me to remark that it is quite as easy to impute all this wickedness to the priests, or whatever you call them, of your own Established Church; and that, in fact, it is imputed to them by your own infidels. Some years ago (it may be eighteen) was published a book “on priestcraft,” of which I have seen nothing but an extract from the preface given in the newspapers of the day, from which it seemed that the author undertook to prove that the priesthood in all ages and all nations (the divinely-instituted priesthood of the Jewish nation of course not excepted,

nor even the priesthood of our blessed Lord himself) has been, and is, nothing but a system of imposture, devised for the purpose of subjecting the minds of men and women, and consequently their goods, their bodies, their everything, to the power and disposal of the scoundrel impostors, and so to enable them to live in luxury and debauchery. Such is the doctrine of this writer; and such is also the doctrine of Mazzini, Karl Heinzen, and the men who met at the Freemason's-hall on the 13th inst.—that is, of the infidels and socialists whose avowed object is the destruction of religion and society. The abovementioned K. Heinzen, as some of your correspondents have informed you, has said that the establishment of the social republic throughout Europe may require the slaughter of two millions of aristocrats (in which number will be included of course all faithful priests); but, as he says, the destruction of these wretches is a mere trifle in comparison with the happiness of 200 millions. If the system of degrading the priesthood, and holding up priests to the derision and detestation of men, is persevered in, these socialists will attain their object, and before long Europe will be devastated and deluged in blood. The Catholic priesthood is by far the most numerous in Europe. Now, Sir, do you not see how you are unwittingly aiding these enemies of all order by your so-often-repeated vituperations of the Catholic priesthood?

“ I am, Sir, your obedient servant,

“ J. W. HENDREN, Bishop of Clifton.

“ Clifton, March 19.”

But to return to the Lord Chancellor. Influenced by a not unwise caution to avoid the charge of prejudging the case, he had bowed Mr. C. Berkeley out, though it would have been better to have intimated to him at once that Dr. Doyle would be called upon to give an explanation. His Lordship's own account is as follows :—

“ I heard from Lord Shrewsbury that this young lady, at her own request, had been received as a parlour boarder at the convent, where she was to remain, she having been  
 the evidence, ar

there for several years, educated there, and having considerable attachment to the lady at the head of the establishment. I heard no more regarding the convent than that she was there as a parlour boarder. At that time, knowing that she was a ward, I, of course, knew that some order had been made. Therefore, knowing that an order must have been made, being aware that she was under the care of Lord and Lady Shrewsbury, as of course I concluded with the sanction of this court, and that she had been at this convent before as a parlour boarder; that being intimated, I did not conceive that I was called upon to interfere in the matter. Mr. Craven Berkeley applied to me at Westminster for a *habeas corpus*, and then he stated to me that this lady had been put into this convent as a postulant. That of course presented a very different state of affairs. There were certain statements in the petition as to this young lady being under duress, and so on, which it appeared to me were founded in mistake, and I thought I had authority enough to see to the lady's interest without a *habeas corpus*. I therefore said that any application of that sort ought to be made in court. I, however, thought it my duty to inquire immediately what the order was, and when I got the order I found it was to the effect that the young lady was delivered over to the care of Lord and Lady Shrewsbury with the view of going abroad. Certainly, when I found that the ward had been handed over to Lord and Lady Shrewsbury, in general terms with liberty to take her abroad, it did not appear to me that a convent was the place contemplated by the order. I therefore directed that an application should be made to the solicitor who acted in the matter, that he would communicate to Dr. Doyle, that I should remove the young lady from the convent."

Dr. Doyle instinctively appreciated the hint, and presented a petition forthwith for a scheme for the young lady's residence away from the convent. Had he not done so he would have been self-convicted, and the Lord Chancellor would have been bound to remove her from him. The petition was merely formal, and all necessary acts as to the suit were done.



&c. It was arranged that Mr. Berkeley's petition should also be heard at the same time ; and it must be here mentioned, that in deference to the statements of the Lord Chancellor, as to the contemplated marriage, Mr. Berkeley had amended the prayer of the petition, and it now stood as follows :—

“ Your petitioner, therefore, humbly prays your Lordship that she may be removed from the said convent, and that she may be placed under the care of such person as to your Lordship shall seem meet; and that the said Craven Fitzhardinge Berkeley may have access to your petitioner at all reasonable times, and that the costs of this petition may be paid out of the trust-funds belonging to your petitioner, or that your Lordship will make such other order as to your Lordship may seem meet.”

The affidavits, however, having been once filed and made records of the Court, could not be altered, although the information derived from the Lord Chancellor placed the conduct of the Earl and Countess of Shrewsbury as to the marriage, in a somewhat different light. But when it was discovered for the first time, by the publication of Miss Talbot's letter, that she had spent the whole period between 1843 and 1850, in the convent, Mr. Corfield, the solicitor of Mr. C. Berkeley, gave immediate and formal notice, that at the hearing of the petition under the general prayer of relief, Mr. C. Berkeley would rely upon the affidavits &c. used in 1843, the object being of course, to show that Dr. Doyle, the Guardian, had grossly neglected his duty, and ought to be removed.

We believe we have laid before our readers all the material points of the evidence, and the substance of all

the affidavits, and we proceed briefly to state the proceedings in Court.

On Thursday the 20th of March, Mr. Rolt, who appeared on behalf of Dr. Doyle, applied to the Lord Chancellor that the petition which related to a scheme for Miss Augusta Talbot's residence in town might be placed in the paper for Saturday, March 22, which was ordered accordingly.

On Saturday the petition came on, but as the evening before a copy of Mr. Berkeley's petition was served upon Dr. Doyle, it was arranged, after some discussion, that the case should be heard on the following Thursday. It was during this interesting discussion that the Lord Chancellor publicly denied, that Miss Talbot had gone to the convent with his consent, for that he had not known it until afterwards,\* and that she herself stated that she never had gone to the convent as a postulant, and never went there with that intention.

We have already detailed the evidence from which each of our readers may draw his own conclusion as to the intentions of the ecclesiastical superiors—for that is the substantial question at issue; and we will now pass on to the hearing of the cause, merely observing that on Thursday, March 27, another interesting conversation took place in Court, when his Lordship mentioned, that he had written to Miss Talbot, and that she was coming to town, and that he had arranged for her to remain with a lady, whose name he did not then mention publicly; but who was ascertained to be Lady Newburgh.

On Saturday then (March 29,) Mr. Rolt brought on

\* See supra 32.

Dr. Doyle's petition ; which being a mere matter of course, consisted of a recital of the different orders and necessary facts, and prayed a reference for an increased allowance for the purpose of Miss Talbot's residence in town. The order being made, the Solicitor General (Mr. Page Wood) then opened the petition of Mr. Berkeley. He read and commented upon the various statements in the affidavits, as proving the indifference to the true interests of Miss Talbot exhibited both by Dr. Doyle and the Earl and Countess of Shrewsbury, which could only be accounted for by their desiring that she should eventually become a nun, although Dr. Doyle had, on the 13th of March—three weeks after Mr. Berkeley's affidavits had been filed, and the petition handed to the Lord Chancellor's secretary—written to dissuade her from such a step, because he had *an impression (!)* that some such idea was floating in her mind.

Mr. Birkbeck followed the Solicitor General, and maintained—and as we think, conclusively—that no construction could be put upon the order of July 1843, which would justify the course that had been taken. He also pointed out, and with great force, the discrepancies in the affidavits of Dr. Doyle and the Abbess, and without retorting on the parties to the intrigues, or their Counsel, shewed most clearly that the Priest and Abbess had concealed all the material facts within their own knowledge, and which would have supplied the “sad blanks” referred to by the Lord Chancellor in his judgment.

Mr. Rolt was Counsel for the Romish Priest Doyle, the Guardian (?) of the Infant. The learned gentleman, who, previously to his connection (which we trust will not become closer) with the Romish hierarchy, enjoyed the reputation

of a conscientious advocate, was reduced on this occasion to give weight to his absurd arguments, by heaping abuse on Mr. Craven Berkeley. The learned gentleman forgot "that there is no readier way for a man to bring his own worth into question than by endeavouring to detract from the worth of another."

He contended also that the spirit of the order of July, 1843, had been followed; and that because all the charges in the petition had not been substantiated, that the whole must be dismissed with costs.

Mr. Bagshawe followed the line of conduct pursued by Mr. Rolt, with all the rancour of an apostate, forgetting in the warmth of his zeal the words of Lord Burleigh, "He who is false to his God, can never be true to man." He endeavoured to convince the Court, that because the mother of the infant was dead, and there was no one left to cherish and protect the child brought up in the lap of luxury, that therefore the promised "governess and private servant" were no longer necessary—and that it was a merit on the part of the priest Doyle, to have turned the infant into the common class-room at the convent, where young ladies are boarded and educated for £40 per annum, and where there are no vacations: notwithstanding the infant was of a delicate constitution, and was possessed of £85,000, and had a brother, with whom ties of affection should have been cherished. What weight such a line of defence of Dr. Doyle's conduct had upon the Court, our readers will be able to deduce, from the Lord Chancellor's judgment.

Mr. James Parker appeared to defend the Earl and Countess of Shrewsbury, the uncle and aunt of the infant—the learned gentleman attempted to show that the order

of July 27, 1843, was not a "mere juggle," and to stifle the inquiry, threatened at that period by Mr. Berkeley, as to the convent ; and he alleged that the order was pronounced by the Vice Chancellor of England, and was not an order taken by consent, by Mr. Berkeley and his solicitor, in the firm conviction that the Earl and Countess of Shrewsbury would, at once, personally undertake "the care and management" of the infant. The affidavits already cited, prove the converse of these allegations to be the truth.

It would have been more in accordance with his duty to the Court, if the learned gentleman, (who argued the case of *Pochin v. Pochin*, before Lord Eldon,) had not reiterated Mr. Rolt's dictum, that the Court had no power to remove a testamentary guardian. In the case referred to, the guardian was a clergyman of the Church of England, but was removed from his guardianship by Lord Eldon.

In the course of Mr. Parker's argument, the Lord Chancellor observed, that he was satisfied that the marriage had not been forced upon Miss Talbot.

The Solicitor General on Tuesday, April 1st, replied, and we will give a short abstract of some portions of his very able speech :—

"He would, in the first place, grapple with the charges that had so freely been heaped upon Mr. Berkeley, and observe that there was one great fact that had been proved beyond dispute, a fact that his Lordship could not lose sight of in giving his judgment,—that Miss Talbot had, without any intimation whatever to the Court, nay, with a false statement, that she went as a boarder, been sent to this convent as a postulant. This fact would never have been known until too late had it not been for the intervention of Mr. Berkeley ; and he would

satisfy the Court that Mr. Berkeley had discharged his duty both towards his Lordship and the young lady. It would be impossible for his Lordship to part with the case as it stood at present; as the circumstances attending the return of Miss Talbot to the convent had not been fully disclosed. The correspondence of Dr. Winter had been wholly kept out of sight. Mr. Berkeley cared little of what became of the petition now, since it had answered all that he had in view, in rescuing Miss Talbot from the thralldom she was under, except so far as the discussion upon it affected his own character. It would be his (the Solicitor-General's) duty now to reply to the charges and mis-statements brought against Mr. Berkeley. An appeal had been made to influence the judgment of his Lordship, that a drama had been got up by Mr. Berkeley for the benefit of the public, without any regard to the feelings of the young lady, and that a refusal had been made on his part to have the matter heard in private. Now, in the first instance a proposition had been made by him (the Solicitor-General) to have the whole matter referred to the Master at once. Would such an offer have been made if his purpose had been publicity? That offer had been declined, on the score that the question of the removal of the guardian must be discussed, and it was then that he had said that such a discussion must be in public, as there was nothing in it to offend the feelings of the young lady.

“Neither in Mr. Berkeley's petition to Parliament, nor in his (the Solicitor-General's) opening speech, had the marriage been referred to; but the counsel for Dr. Doyle had gone out of his way to make an attack upon the mother of the young lady, as foreign from the question at issue as it was unjustifiable in fact. So much for their complaint of dragging the young lady before the public. An attempt had been made by Dr. Hendren to justify Miss Talbot's return as a postulant, under the allegation that the Lord Chancellor had consented; but Mr. Rolt, in defence of Dr. Doyle was obliged to argue that she had not returned as a postulant at all.\* He (the

\* That there might be no doubt of Dr. Hendren's authorship of the letters, Mr. Corfield wrote to Mr. Dobie, the Solicitor for “The Times,” requesting that the manuscript might be shown, giving the fol-

Solicitor-General) refrained from comment upon Miss Talbot's letter, because it was sent as a private communication to the Lord Chancellor, although he did not for a moment consider it to have been her spontaneous letter.'

He then commented upon the strange conduct of Dr. Doyle, and the Earl and Countess of Shrewsbury, subsequent to 1843, and especially in the autumn of 1850; and after referring to *Whyte v. Read*, (which has been already cited,) he said, in conclusion :—

“ He would therefore assert that Miss Talbot had been deserted by those whose duty it was to watch over and guard her; and, so far from Mr. Berkeley's petition being dismissed, he would submit that he was by far the most fit and proper person to have access to her, as he was the only person who in 1843 took any interest in her welfare, and who again in 1850 brought this flagrant case of dereliction of duty under the cognizance of the Court. He would in conclusion notice the three propositions of Mr. Berkeley. Upon the 1st—namely, that of access, it had been asked by the other side whether it would contribute to the happiness or the education of Miss Talbot that Mr. Berkeley should be permitted to visit her, and a question had been asked as to the evidence of his associates. He (the Solicitor-General) well understood such sneers, but the person who had instructed counsel to make them did not dare to make any open charge. He would defy them to do so, and would at the same time assert that no repugnance had been shown on the part of the lady, except in the

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lowing reason :—‘ In such a matter as this, party feeling is out of the question; an important principle is involved in it, and justice and equity demand that the truth should be brought to light, and that these Popish priests should not be allowed to slander the highest Judge in the realm, and by such means endeavour to inveigle the public into a belief that the keeper of Her Majesty's conscience was privy to their miserable intrigues. It is upon these grounds alone I venture to appeal through you to the Editor of “The Times,” and request the production of the manuscript in question.’ In consequence the manuscript was inspected, and Mr. Dobie offered, if required, to attend with it in court.

letter purporting to have been written by her, but which he denied was her own composition. Mr. Berkeley was the only man who had had the courage to grapple with the difficulties and snares surrounding the young lady, and surely he and his daughter, the half sister of Miss Talbot, as being almost her only relations, were fitter associates for her than dolorous or extatic nuns. With respect to the second point, the removal of Dr. Doyle from his office of guardian, it was admitted that that must take place if Miss Talbot returned to the convent as a postulant. Now he would confidently submit that it had been satisfactorily proved that she went as such ; if, however, his Lordship should not be quite convinced of the fact, he trusted that his Lordship would not dispose of the petition until he had wrung out all the evidence relating to her return, which had been so improperly kept back. The third part of the prayer of Mr. Berkeley's petition was, that he might have leave to go in before the Master to aid in settling the scheme for the ward's future residence. The only objection that he could recal to mind as having been urged by the other side against such a course was the fear of publicity. This objection, however, he had already disposed of, and he would only add that it was not Mr. Berkeley's fault that, by a strange coincidence, the placing of this young lady in a convent should have taken place at the exact time of the establishment of a Roman hierarchy in this country. Mr. Berkeley only found events, and acted upon them. One of the advantages accruing from Mr. Berkeley's interference was the bringing to the notice of his Lordship the improper situation in which this young lady was placed,—a piece of information not likely to have been obtained from the persons who had gone to Palermo, or even from Dr. Doyle. Having, therefore, cleared Mr. Berkeley's character from all the aspersions cast upon it, and clearly demonstrated that he had done his duty manfully, he (the Solicitor-General) would ask his Lordship to grant the prayer of the petition, and give Mr. Berkeley his costs."

His Lordship at once delivered the following judgment:—



## JUDGMENT.

THE LORD CHANCELLOR. The circumstances under which the Case comes before me, render it impossible to dispose of every part of it satisfactorily. There are such conflicting views that arise on some parts of it, as to make it very difficult to reconcile what I think is the proper conclusion of the Case, with each individual part. The Case has certainly travelled very widely. It is difficult to say how far the Court can upon some occasions, interfere or limit the course of the argument to what are the real points on which the Judgment of the Court is to be pronounced. In all Cases in which feelings are embarked, that becomes very difficult. Statements are made on the one side, calculated to produce an impression that is disliked on the other ; and when once they are made, it does not seem just to restrain the answer, though both the attack and the answer may be beside the real points of the Case.

Now the Petition I have before me, I find within the last half hour, is much more limited than the Petition which I supposed was under discussion. The Petition on which I have now to pronounce the conclusion to which I have arrived, prays, that the Ward may be removed from the Convent which is mentioned in the Petition, and may be placed under the care of such persons, as shall be deemed to be proper, and that the Petitioner, Mr. Berkeley, may have access to the Ward at all reasonable times, and that the costs of his Petition may be paid out of the funds of the Ward ; and then there are the usual general words—"or that such other Order shall be made, as to the Court shall seem meet."

Now it does not often happen, and I apprehend when it does happen, it ought always to be looked at with considerable restraint, that under the general words of the Prayer of a Petition, some substantial distinct subject for relief is advanced. There are occasions on which that may be done, but independently of those general words, the Petition consists of a Prayer that the Lady should be removed from the Convent, that Mr. Berkeley may have access to the Lady, and that he may receive his costs. Now that is the Prayer. The Petition is very short in substance. It consists in part of a recital of previous proceedings, and then passes to the statement, that the young Lady having been taken from the Convent in the year 1850, and becoming an inmate with Lord Shrewsbury, her Uncle—that a marriage was proposed to her, which was repugnant to her feelings, and that the Gentleman proposed was disagreeable to her, but that there was a desire to force her into the marriage against her will—that she however had firmness enough to refuse that, whereupon she was put into a Convent by way of punishment, and with the determination to coerce her to take the veil. That is the whole matter of the Petition, independent of the recital. There is no other complaint brought forward, and there are no other facts stated, on which the Court is called on to adjudicate.

I find, as I before mentioned, that the prayer of the Petition has been altered from that in which its form was when I had the communication with Mr. Berkeley; and the learned Counsel on behalf of Mr. Berkeley, has informed me that the amendment and alteration of the prayer, arose out of a communication made by me. But I cannot help feeling, that the judgment which led to the alteration of the prayer, in consequence of that communication, should have led much more distinctly to the alteration of the body of the Petition, because, notwithstanding the Petition is limited to what I have stated; the imputation is of an attempt to coerce this young Lady, by those who were so nearly connected with her, as to be under the most imperative duty to protect her; and that not only

had that protection been withdrawn, and the power, which had been given for the purpose of protection, abused into that of coercion, but that, repugnant to and inconsistent with every honourable feeling, passing by every thing like affection and duty, those who had thus abused the power, given for the benefit of an individual, to her prejudice, were afterwards the subject of such malignant feelings, that totally regardless of the best and permanent interests of the person thus committed to them, they had in a sense, forced her into a Convent, with a view of compelling her to desert and abandon the world at her early age, to take the veil, and dedicate herself to a religious life. Such imputations most seriously affect the characters of those who are charged. Now I own I cannot conceive for a moment, a charge more deeply affecting the character of an Uncle, a man of rank and education, and of high station. I cannot conceive a charge more seriously affecting the moral character, and the honour and feelings of an individual, than that which is conveyed in the Petition. As I have said, such is the whole substance of the Petition.

That Petition has, beyond all doubt, been answered—answered in part by that knowledge which I cannot reject, though I acquired it in my private capacity,—yet, I cannot, as a Judge, forget, that when I was communicating with the young lady, (certainly under a sense of official duty, though at Lord Shrewsbury's as a visitor,) and when I heard the subject of marriage was to come before me, and I heard some general statement on the subject, I did think it right to call the young lady's attention to some circumstances connected with that marriage, which did not appear to me to give her that fair prospect which, I thought, she was entitled to. I should have thought it impertinent in me to have spoken on the subject at all, but for the situation I held, and from the consciousness that in all probability I should, from the short period of time likely to elapse before the matter would come into Court, be the person to decide on that,—it would have been impertinent in a visitor to have interfered, but, having

acquired that knowledge under the circumstances I have stated, I cannot reject my own distinct recollection of those facts, and not allow them to influence my judgment on the present occasion.

There is an entire absence of evidence in support of the allegations of the Petition. It is true, there is not an answer negating the allegations of the Petition, by those who, almost, (I may say), are the only persons who could do so—that is, Lord and Lady Shrewsbury. But I cannot forget that there is a physical impossibility of their having presented such an answer ; and further, where such grave charges are made, the onus is not on those who have to answer them, but the onus is on those who make them, to support them, and until they are supported by evidence, so cogent as to call for an answer, individuals are not put in the peril of making an answer at all. There is therefore an absence of evidence in support of the charges. There is my own personal knowledge, acquired, as I have before stated, that they are incorrect. There is no attempt to support them, and I am told that my representations were so far acted on as to have led to an alteration in the prayer of the Petition, though the substance of the Petition, which was the more serious part of it, remains unaltered.

Such then, is the state of the case. Here is a short Petition (short it is true, but most important and substantial in its subject matter,) containing an imputation of an attempt to force a Ward into a marriage against her will, and a subsequent acting by placing the Ward in a situation, where under no circumstances ought she to have been placed, and by placing her there with views the worst to be reprobated. The Petition therefore, is not supported by evidence—it is repelled by the circumstances which I have mentioned.

Such however, is not the whole of this case. The effect of this Petition has been to bring to the knowledge of the Court a state of things which called on the Court imperatively to act ; and the result of this Petition, I feel has been, though

not unaccompanied with some disadvantages, on the whole of great advantage to the Ward. I think the Court has derived considerable benefit—I think the Ward has derived considerable benefit from the presentation of the Petition. What effect that ought to have in a case such as I have described, where a Petition containing grave charges against honourable and absent persons, not supported by evidence, but satisfactorily repelled (and it cannot be otherwise for the reasons I have stated, than that the answer is satisfactory)—what effect the benefit which the Ward has derived, and the assistance which the Court has derived, ought to have on the ultimate decision, may be matter of grave consideration.

Now, in the course of the discussion, a great deal of matter has been brought forward :—First, much has been said in respect of what occurred in 1843. I own, my mind is not impressed with the importance of what occurred in that year, to so high a degree as it has impressed the mind of some of the learned Counsel. I have paid attention to it. All that took place then—all that took place antecedently to the subject-matter of the Petition—only bears upon the matter on which I have to form a judgment, as far as it tends to give collateral colour and support to the matter of the Petition. In itself it is not presented in a form properly to form the subject-matter of charge and complaint. It is only by way of evidence, and incidentally, that it can be resorted to.

Now, the view I take of what occurred in 1843 is this : It appears that there had been an arrangement made for the Ward, under which an allowance of between £500 and £600 a-year had been made. There had been previous discussions (which I do not think it necessary to advert to) as to the disposition of the Ward. But, in 1843 the lady then remained under an Order of the Court, by which an allowance of between £500 and £600 a-year had been made for her maintenance ; that maintenance having been regulated at a time when she was under different circumstances than those which surrounded her in 1843. A Petition was presented in which

I do not discern any real complaint as to the previous management of the Ward. It is true, it is stated, the Lady was in a Convent, but certainly it does appear to me as if the main substance of that Petition had relation to the reduction of the allowance, a thing desirable to be attended to at all times. This court must always desire, while placed in the situation of a public Trustee, having the care of the interests of those who cannot take care of themselves, the infant wards of the Court,—the Court must always desire to see the funds of the infants administered with as much economy as the comfort and advantage of the Ward will admit. At the same time, the circumstance of the Guardian not coming to the Court, which, I think, acting strictly according to his duty, he ought to have done—his not coming to the Court when an alteration took place in the position of the Ward, which rendered an allowance that had been adapted to one state of circumstances, more than was requisite for the advantage of the infant in another state of circumstances,—I repeat, it would have been proper to have come to the Court to reduce that allowance—but, considering the manner in which the Guardian dealt with the amount, and that there is an entire absence of insinuation that he acted under any corrupt motive, or indeed acted otherwise than as became him, in the absence of his having performed his more regular duty of applying to the Court to have invested the surplus funds, I cannot say I look on that conduct with any great degree of censure, at the same time repeating that it might, nevertheless, have been more regular and proper. But it appears to me, the objects of Mr. Berkeley's Petition were not any of those high and important objects which have been connected with it, in the course of the argument. It was proper for an application to be made ; but, at the same time, it appears to me to have been mainly directed to the reduction of the allowance. The fact of the Lady being in the Convent, was mentioned, and incidental to the Prayer, it was asked, or part of the Prayer was, that an inquiry might be made, if the Convent was a fit and proper place for her ;

but that was not the result of any charges of its being an unfit and improper place ; but it appears to have been matter which, in the ordinary course of proceeding, when you are altering a scheme for maintenance and education of a party, may very well form part of the Prayer, without anything serious on which to found it.

Well, various discussions took place on that occasion, and they terminated in an Order.—Now, how am I to deal with that Order ? Is the Court to suppose that any matter connected with the better management and conduct of the Ward, any arrangement for the security, the happiness, or advantage of the Ward, is left to depend on the talk between the solicitors ? Or, am I to suppose that the solicitors faithfully represented to the Court, what according to their judgments and respective views, the interest and advantage of the Ward required, and that they performed their duty to their client, and their duty to the Court, by taking care that all those matters were embodied in the Order ? Such, I must suppose was the fact ; I am aware, that occasionally it will happen, that an Order is drawn up that does not correspond precisely and accurately with what was understood and agreed between the parties ; but we all know that leads to an application forthwith to have it corrected, and there is seldom any deficiency on that subject. The minutes taken by the Counsel or by the Officer of the Court, enable that to be corrected. No application was made to correct the Order of 1843. It appears to have been an Order that resulted out of a good deal of altercation or discussion : and, therefore it is the more reasonable to suppose that it embodied all that, in the result of that altercation and discussion, the parties deemed to be important. Now, what I have before said, appears to me to have been the main and principal object of the Petition.

Then it is said that that Order, no matter how obtained, no matter whether it contained all that it ought to have contained, in order to have carried into effect the intentions and agreements between the several parties, on what they call

“the understanding,”—but take it as it is, there is much brought before the Court in connection with that Order, much which occurred subsequent to the Order, which ought to bear strongly on the decision of the Petition now under consideration. That Order is founded on the undertaking of Lord and Lady Shrewsbury, to take the direction and management of the Ward, subject to the interposition of the testamentary Guardian. Now it is said that that Order properly considered, imported that the Ward was to become from that time, the inmate of the family of Lord Shrewsbury. I own I do not draw that inference. I think, looking at the whole Order, the inference is by no means warranted. In the first place, the words, “Care and management” do not necessarily import any such thing. What I understand by it is, that Lady Shrewsbury—a lady of rank and intelligence, the Ward being a female, was to control and direct (subject to the Guardian,) what should be the course of education, and what should be the course of management. Some impression arises in the present Case, from the frequent occasion there is to advert to the *Convent*, which would not have arisen, if the term *School* had been applied instead of *Convent*; but it is perfectly well known, especially among Catholic families, the difficulty there is of Catholic children being placed and educated in common with Protestant children, and the difficulty there is in the religious views of the parents of the Catholic children being answered by the association, inasmuch as a school must be conducted on general principles, and cannot be adapted to the diversified religious sentiments of the pupils. A school is conducted with reference to the religious wishes of the parents generally, and therefore Catholic families have not that advantage and facility for the education of their children; Catholics like Protestants, deeming the spiritual interest of their children of much more importance than their temporal interests. They cannot do it. Then what is the course with respect to Catholic families? It is well known that ladies of considerable intelligence and attainments,



devote themselves to a religious life, and take the veil, and that they consider it part of their duty to assist in the work of education ; and that attached to Convents, are establishments for the education of children of Catholic parents. In this case it appears that near Taunton in Somersetshire, there is a Convent, and to that is attached a school, and we have had the names, very distinguished and honourable names, of ladies who are there, who are kind enough to undertake the task of educating the children who are brought to that establishment.

Well, by Lady Shrewsbury it appears, or with her assent, the Ward was placed in that establishment. Have I anything before me to shew that that was an improper establishment ? Certainly not a word. From having gone that Circuit, the name of this Convent, when the Assizes were at Taunton, I have heard frequently mentioned, and always with a high character. There is nothing before me to shew the place was an improper place. To-day for the first time, some circumstances have been adverted to, that the Ward had been found before 1843, not in that state and condition with regard to person, with regard to clothes and so on, which one would have expected. But that cannot operate on the present occasion ; because all that was spoken of and disposed of in 1843, and no Order was made for a discharge. I must suppose, therefore, that either it was not adverted to as being deemed of sufficient importance, or that it failed in point of evidence, or that the Court did not think it right to interfere with the matter. With the exception of that, I do not find any remark made in any degree detracting from this Convent being as proper a place with a school attached to it, for the education of a Catholic young lady, as any other school in the kingdom. Well, the lady is placed there. Remarks are made, as to the little attention she received. I certainly am not in a condition precisely to measure that. Nothing is of more importance, I apprehend, than to do that which Lord Cottenham was most eminently attentive in doing, to see that

the charge relied on, was always brought forward in the Bill or the Petition. No man ever paid more attention to see that a party was not taken by surprise, by a case being set forth on the record of one character, and a case presented and argued at the hearing of a different character ; and I think that is a rule of strict justice. It must therefore be remembered what this Petition challenged, and upon what it called for explanation. Many matters will occur in the course of the discussion of a set of affidavits, out of which observations may be extracted ; but if the task of an advocate is to be, not to look through the record which purports to contain the charge, but to look through extensive affidavits in order to see out of what line, out of what sentence, out of what statement, some charge may or may not be extracted, I say he cannot successfully do it. He will always be taken by surprise. That remark is consistent with attending to the general effect of the affidavits and meeting those parts of the Affidavits that are directed to it ; but still I say, that I should look in a different way to the answer which was given to a series of affidavits, and to particular parts of those, from what I should, as to the main substantive charge on the record.

I must look to see therefore what it is, that the parties have been brought here to answer. Now the affidavits would be very loose and unsatisfactory in one view, which in another I think, may be deemed reasonably sufficient. If the Petition had charged that Lord and Lady Shrewsbury had been but once at Taunton themselves, and had forborne enquiry, and that Dr. Doyle had made no enquiry, during the period from 1843 to 1850, I should have expected an explicit answer ; but when there is no such matter of complaint brought forward, then I should look to see if there is any suggestion to that effect in the affidavit, and how far a general suggestion is met by a general answer. I find in two of the affidavits, at least it is stated that Lord and Lady Shrewsbury paid occasional visits. It is said, they do not say how often. No,

but was the attention of those who made the affidavits, called sufficiently to the fact, to impose on them the duty of stating how often? I think it was not. Therefore, although the observation of the learned Counsel was correct enough, that one part of the affidavit would be satisfied by a single visit, or an interview of ever so short a time, yet the general effect of the affidavit is, that she was visited occasionally. Now I must confess, without anything to impeach the honour or character of Lady Shrewsbury, I should be very much inclined to suspect that she was as good a judge as I am, of what should be the care and management of a young lady, who was to fill a certain station in life. Before I censured, or entertained a judicial desire to censure, I should be wary, and should desire to know what it was that merited it. I should say that of Lady Shrewsbury, as I should say of any lady of education and station in life, competent to understand her duties, and in a station entitled to credit,—in the absence of evidence to the contrary,—for performing them. Lady Shrewsbury it appears, occasionally visited this young lady; the young lady going, although it is quite uncertain whether more than once, but perhaps oftener, to Alton Towers, from 1843 to 1850—in the absence of knowing how often she visited, I feel myself somewhat at a loss; but I cannot say I can condemn at once, without knowing whether Lady Shrewsbury was in communication with the Lady Abbess, or what communications took place from time to time. I cannot say, I am prepared at once to condemn and to say, Lady Shrewsbury will be unfit to have the care and management of this young lady, from the evidence before me. I repeat, that if Lady Shrewsbury's conduct in those respects had been distinctly challenged, and Lady Shrewsbury were here, I should have expected a distinct answer.

Now, all this is pointed to bringing the case up to 1850; and I am to use this only to appreciate the conduct of the parties in respect to the Ward, up to 1850. Now, in 1850, the young Lady is taken from the convent, and having passed the time

apparently without exception, through the summer and autumn of the last year, the lady is then placed in the Convent ; and now comes the material part of the case, and certainly a part of the case that does not stand in a satisfactory position before me. The lady enters the Convent, and she remains there until Mr. Craven Berkeley makes the application for a *Habeas Corpus*, or for an Order to change the residence of the lady. Now, I must say, that looking to the Order of 1843, which committed the Ward to the care and management of Lady Shrewsbury, under the superintendence, or subject to the control, of the Guardian, I think, that when Lord and Lady Shrewsbury found it necessary for their arrangements to go abroad, and when, therefore, that care and management practically ceased, there ought to have been an application to the Court for some alteration in that Order. I think the situation of the Ward had been substantially altered. She had ceased to be a pupil—she had been introduced to the world—she was now taking up a position different from that which she had filled before.—If Lord and Lady Shrewsbury had remained here and exercised their superintendence, all might have been well, and it might not have been necessary to have come to the Court, because the general care and management was committed to them, and the necessity for that care and management continued, equally competent to afford it. But when the Lady was left, when the advantage of the immediate care and management of Lord and Lady Shrewsbury was withdrawn, and it was known it must be for some time, (it appears to have been uncertain how long was contemplated—it rather appears as if there had been an expectation of their returning, during the present season, though that is somewhat uncertain in the Affidavits,) I think there ought to have been an application to the Court. There was none. There is a circumstance that it might be unfair not to advert to ; that is to say, that the proposed marriage having continued to be in agitation, up to almost the moment of Lord Shrewsbury's leaving England, (it was on the 17th,

I think, that I received the letter I read the other day ; what day he went abroad, I do not recollect, but I think within a week or ten days afterwards,) there might have been a difficulty in making an immediate arrangement for the reception of the young lady under proper circumstances ; but I think there was no difficulty in coming to the Court, the first opportunity, to make proposals, and to let arrangements for the future destination of this young lady become the subject of consideration and determination by the Court. However, that was not done, and here, I think is the first palpable omission on the part of Dr. Doyle. I think, when he lost the assistance of Lord and Lady Shrewsbury, it became him to be the more active and more diligent ; for he alone was the person to whom the Court must look, and in whom the Court confided, for the due care of its Ward.

Then this young lady is placed at the Convent. Undoubtedly after what had occurred, it would have been desirable to have had a more distinct statement, as to the circumstances under which she was placed in the Convent. The case is very peculiar. It commences at this period, with an application for the young lady to be received as a boarder, and according to the Lady Abbess's Affidavit, Dr Winter, through whom the application was made, is told, that by the rules of the Convent, the lady cannot be received otherwise than as a Postulant, and with a view of entering on that course of life, which, unless she altered her mind, was to lead to her taking the veil. Dr. Winter is referred to Dr. Hendren ; but what is brought forward in the affidavits, when I come to Dr. Hendren, is, that I find Dr. Hendren not dealing with the application of the young lady being received as a boarder at all ; for I cannot collect from any part of his statement, that it was ever suggested to him, *that the lady should be received as a boarder*. What he says, is, that application was made to him, that she should be received as a Postulant. He says, "I had objections to that, I did not think she was qualified for that." For what ? To be received as a Postu-

lant ; “but I said, if the Nuns and the Lady Abbess thought fit to receive her, I would not object ;” and accordingly she was so received. *Now here is a sad blank.* Here is an application stated to be an application for the lady to be received as a boarder ; a reference to the Bishop and ecclesiastical superior for his consent, to a dispensation of a known established rule of the Convent, which did not admit the reception of boarders ; but the affidavit sets forth what is alleged to have been a letter to him, which does not relate to any application to suspend the rules of the Convent ; but it is an application to him as to the propriety, not of the dispensation of the rule of the Convent, not as to the expediency of the lady being received as a boarder, but looking to see whether under all the circumstances, it was proper she should be received as a Postulant ; and he says, *she was so received.* Now this does not put the case in a satisfactory position, especially when I attend to the Lady Abbess’s affidavit, which states not only to the effect I have just adverted to, but which also states that the application was for the lady to be received as a boarder,—that she informed Dr. Winter of the rule of the Convent, which prohibited acquiescence in the application, but referred it to Dr. Hendren, and then the Lady Abbess says, “I have had and have the impression that Dr. Hendren consented.” Now I am not acquainted in particular with the degree of authority and control, which the ecclesiastical superior exercises over a Convent ; but if it is such as to have made it necessary for application to be made to him, for leave to receive the Ward, either as a Postulant or as a boarder, I am a good deal struck with this,—how the Lady Abbess could have received her, contrary to a rule, without having some more distinct authority than that of an impression. Suppose she be called on to account, as no doubt she is accountable, for having received a person contrary to the order of the Convent, what will she have to produce, in order to satisfy the superior that she has acted under authority, in thus departing from the rule. I own I cannot help

retaining the impression, that the Lady Abbess must have some better means of informing the Court how she came to receive, contrary to the rules of the Convent, a young lady as a boarder ; and that I have not the whole information she can afford me, by her stating that she has an impression that the superior, Dr. Hendren, gave permission that this lady should be so received. As far as she was concerned, was it by letter ? Was it through Dr. Winter ? Was it by personal communication ? Here is a blank,—well, that is not satisfactory.

When I come to Dr. Hendren, again I am utterly at a loss to account for a gentleman in his situation, entitling himself to credit, his word not likely to be doubted in the absence of very strong grounds, stating that my Ward wrote a strong supplicatory letter, requesting to be, what ? Not to be received as a Boarder, but received as a Postulant, and that he unwillingly assented to that, and that she was received. How can I reconcile the other part of the case with any idea of mistake ?

What then, does it mean ? I am left considerably in the dark.—Dr. Doyle is absent, he does not know what is going on at this time, but he returns ; Dr. Doyle is also a gentleman of eminence and of character : but I think, as has been truly stated, he must be supposed to know the rules of the Convent, and therefore, that this lady, if received as a Boarder, must have been received under some dispensation, some license, some departure from the ordinary rules. I think, I have a right to expect, that, the Guardian acting with me, in the care of the Ward, looking to the very serious matter of a young lady of her age, being placed in a situation in which her steps and conduct would colour her future life, and determine its nature and course in a most important degree—I think, I have a right to expect that Dr. Doyle should have possessed himself some information as to the circumstances under which this young lady had been received at the Convent :—Dr. Doyle says, that Lord Shrews-

bury informed him, she had been received as a Boarder. I do not doubt his word in the least, I have the less reason to do so, because it is the communication that Lord Shrewsbury made to me ; I should not doubt it without. But, I did not know the rules of the Convent. Dr. Doyle did.—I had heard of ladies being boarders at this Convent, and in a loose and general way, had heard of distinguished families of the Roman Catholic religion, being placed there, in the occasional absence of their parents, and so on, as the safest and most respectable of all asylums. My attention had not been particularly called to this young lady. The fact of her marriage having been mentioned while I was there, called my attention a little to the subject, but I did not know what the orders were, nor any thing about the regulations of a Convent, except in the most loose and general way. But Dr. Doyle did ; and Dr. Doyle had had more to do with the Ward, and knew more of the circumstances than I did ; and therefore when Lord Shrewsbury mentioned to me, not as a matter in which I had any interest or any duty, but in a general way, and said—“ My niece has gone as a Boarder to a convent while I am abroad ”—for little more than the sentence passed,—I did not then enquire further. But I think it became Dr. Doyle to have made more enquiry, more particularly when I find it stated in some of the affidavits, that during the period from 1843 to 1850 the young lady had talked something about being a Nun, and when I find that on the 13th of March, Dr. Doyle says, that at a time, to which the date is not given, from circumstances which had occurred, he thought the idea of becoming a Nun was passing through her mind, and above all that it had passed through her mind with the effect to induce her determination to waver ; that was a moment, the most important of all under such circumstances I think, in which to interfere.—A young lady of 18 or 19, wavering under some spiritual influence or impression in her own mind, as to so decided a step, as that of withdrawing herself from the world. She, with regard to whom the world contains so



much to attract ; how powerful must have been the influence that occasioned such a mind to waver against the advantages which she must have seen during the last season, when, mixing in the first society, all that the world could afford likely to attract a young mind, she must have witnessed and enjoyed ! All that, however, was overcome, and she was wavering—I think the Court had a right to have such a person immediately withdrawn from the Convent,—I do not think that with that knowledge she could safely remain there ; and I think that Dr. Doyle ought to have given more information, when first he heard of this impression passing through her mind, when first he heard she was wavering, from whom, and under what circumstances.

Now, it appears, that shortly before this, for some reason which is not explained, Mr. Craven Berkeley had gone to the Convent, and that that had passed between him and the Ward, and the lady Abbess, which led to the application on his part.

Now, without going minutely through the affidavits, I cannot help saying, that taking both affidavits, not exercising an uncharitable disposition in the criticism of either, or imputing any endeavour, either to mislead, to suppress or to deceive ; I say, the effect of the whole is to show that, quite enough passed to lead Mr. Craven Berkeley to suppose that the lady was there as a Postulant, and I think, and that is the part of the case that has strongly impressed me,—I think Mr. Craven Berkeley performed a worthy service, from what passed at the Convent. When I look at what the Lady Abbess says passed, and what Mr. Craven Berkeley says passed, and comparing the one with the other, and seeing how far I can extract from the two, that which is beyond all reasonable doubt, I think the result is, that he was led to the conclusion that she was there as a Postulant, and I do not think that conclusion unreasonable. Therefore, I repeat what I began with, that, I think *Mr. Craven Berkeley rendered good service in bringing this under the notice of the Court.*

How does it appear the lady was there ? The expressions

that are used, are open to considerable ambiguity ; she was not there as an ordinary and usual Postulant ; was she there nominally as a Postulant ? She was called a Postulant, but she was never there, believing or understanding herself to be an ordinary Postulant. Well, what does that mean ? It is stated, that when ladies are received in a state of Postulancy, that they, within a limited time, have to undergo certain religious ceremonies, in order to perform the service on which they enter, that they are required to change their ordinary apparel, and put on some form of dress, conformable to the particular Order, I suppose of the particular Convent ; and it is said, that this Lady was not received as a Postulant, but as a Boarder, and that she never underwent the religious ceremonies, and that she never changed her dress. Now, in this state of confusion and inconsistency, what is the conclusion ? The conclusion to which I have arrived is this,—I think the Lady was received there as a Boarder, but I think she was received there contrary to the rules, *and that she was passed off as a Postulant.* Applying that theory to every part of it, it conforms with more of the particulars than any other. I should have been better pleased if the Lady Abbess had made a statement in her own language, calculated to convey that idea. Whether she was apprehensive of incurring any ecclesiastical censure for what she has done, and therefore has shrouded herself in ambiguous language, which leaves it open to take one view or another,—whether that is the case, or what other reason has led to the language, I do not know ; but I think there is no evidence that Lord Shrewsbury ever placed her there as a Postulant. I see no reason to impute to him any such conduct. The only ground presented to me, is one that I know is fallacious, that is, that she was placed there in resentment ; with respect to the marriage. I see no reason to suppose that. I think his communication to me casually, and his more serious communication to Dr. Doyle, was a communication that corresponded with the truth. In the absence of information from Dr. Winter, in the absence of these letters,

from the nature of Dr. Hendren's communication, I defy you to reconcile the whole with any degree of consistency. That she was called a Postulant, is clear. That she did not undergo the ceremonies, that she did not adopt the dress consistent with her being in a state of Postulancy, is also true. Then, what was her condition? Why was she called a Postulant? and why, being called a Postulant, was she not dealt with in a manner corresponding to that situation? We can only suppose she was a favourite with the Convent. They were desirous, probably, of accommodating Lord Shrewsbury, by the reception of his niece, who would be a distinguished visitor; but that was not consistent with the rules of the Convent, and therefore they have got into this inconsistency by so doing. I do not the less disapprove of her being there, whether as a Boarder or a Postulant, because she was in a different situation from what she was in when she was there as a pupil of the school;—she was more connected with the general society of the ladies who were there as nuns, and her mind was more likely to be materially influenced towards the position in life, in which those ladies had placed themselves. Therefore, whether as Postulant, or whether as Boarder, it was not a place in which she should be allowed to remain.

Now how does this apply to Dr. Doyle? I think that Dr. Doyle gave credit to Lord Shrewsbury's statement—I think it possible that he might know, although it was not consistent with the rules of the Convent that Boarders should be received, that he might also know under what circumstances the rule might be dispensed with; and in the absence of any reason to the contrary I feel bound to give credit to his statement, that he believed the lady was there as a Boarder and not as a Postulant. But I repeat he was remiss in the proper discharge of his duty. Dr. Doyle was the testamentary guardian. He stands in the place of the father. The man selected by the parents (?) of a child who afterwards becomes a Ward in Chancery,—that man who has the confidence of the parents is entitled to the confidence of the Court till his claim to that

confidence is destroyed ; and I believe that the Court never removes such a person except upon grounds made out to its perfect satisfaction. Those grounds must be such as make it for the interest of the Ward that the Guardian should be removed. The interest of the Ward is the basis and foundation of every part of the conduct of the Court in dealing with its Ward. What I look at now, therefore, is this ; the young lady is in London, she is under the care of a lady, and I apprehend will never be again out of the view of the Court, until she attains her majority. What remains for Dr. Doyle probably is not of very much importance ; but at the same time, as the depository of the confidence of her parent,—as a gentleman who, though I think he has been remiss in his duty, I can impute no bad motives to,—I do not see any ground to impute to him that he has intentionally and deliberately omitted to take any course which the interests of the Ward requires. I therefore do not think that the interest of the Ward,—notwithstanding I feel judicially bound to express the opinion which I have stated, yet I do not feel that the interest of the Ward requires that he should be removed.

The Bar have one and all agreed in that which I could not fail to expect they would agree in, that a very high contempt of the authority of this Court would be committed by allowing a Ward of this Court, either to become a Postulant, or to take any other step calculated to bind her future life to any particular course. I believe that ever since the Statute of Westminster,\* it has been a very high offence to make a Ward of Court take the veil, an offence liable to indictment, to heavy forfeiture, and to imprisonment. It continues an offence to the present day ; and if it had not been an offence even upon the construction of the Statute, and the way in which it had been construed,—if contracting a marriage without the approbation of the Court is a contempt, I should say that *a fortiori* the allowing a person to devote herself to this religious life would be ; because marriage may be con-

\* See 13 Edward 1. c. 35.

sistent with a person retaining the ordinary position in life, according to those circumstances which are suited to her situation ; but the taking the veil is so serious a change, that to allow a person not arrived at the age of mature years to bind her future life, not probably by absolute vows, but to bind herself by some influence or other, more cogent than physical coercion,—to do that, I say, is, I think, a much greater contempt, and I should have had no hesitation, and should feel it my duty if such a case were presented, to commit Abbess, to commit Priest, and to commit every body else who took any part in it, as I should commit a clergyman or governess, or any member of whatever establishment it might be in such a case ; and in so doing, I should, I apprehend act in strict conformity with the practice of the Court, and the duty that belongs to me.

Now, some remarks have been made on parts of the Case on which I may perhaps have occasion to say a word. It would be, I apprehend, the greatest injustice to deprive the children of our fellow-subjects, the Roman Catholics, of the protection of this Court equally with that which every other class of the Queen's subjects receives. If it be supposed that it was any part of the duty of the Court to interfere with the religious sentiments of that child, and to make any attempt to withdraw it from the faith in which its parents desired it should be brought up in, every one must see that the effect would be to deprive the children of Roman Catholic parents of the protection of the Court. They would shrink from, as being one of the greatest evils that could be inflicted upon them, their children being placed under the jurisdiction which would seek to disturb their faith. It is no part of the duty of the Court to interfere with the faith of such children. Therefore while the Court, I think, would act clearly unjustifiably in that attempt, I say it would equally afford to Roman Catholic children, who might be its Wards, the protection of the Court, if it found that they had been either inveigled or permitted to take the veil during their minority,

or to bind themselves directly or indirectly to do so. I say, therefore, it is equally necessary to the justice which is due to our fellow-subjects who differ from us in the respects to which I have adverted, on the one hand, not to interfere with their religion, but on the other hand, not to permit their future lives to become dedicated to a course unusual for the ordinary purposes of life, and which I have no reason to suppose the parents ever contemplated.

Now what is the proper Order I should make on this Petition ? I am asked by the prayer of the Petition to order in the first place,—I am not sure that it is asked in the particular prayer of the Petition, but it is asked under the general relief, that Mr. Berkeley may attend the Master, while prosecuting the Order under Dr. Doyle's Petition. I am asked also to order, that Mr. Berkeley may have access to the Ward ; and I am also asked to suspend Dr. Doyle from his office of Guardian, and that Mr. Berkeley may have his costs. If I decide on the Petition of Mr. Berkeley alone, and upon the answer which it has received, I should say the Petition ought to be dismissed with costs. There is no evidence to support it,—it contains matter highly and deeply reflecting on other persons—it is, I am satisfied, unfounded in fact, but I repeat it has been the means, I think, of rendering a worthy service to the Court, and a worthy service to the Ward. I therefore am not sure, but I do not feel that I ought to make Mr. Berkeley pay the costs of having elicited an inquiry, which I think has been attended with such considerable benefit. With respect therefore to his costs, I only regret that the Case has been encumbered with so much more than I think properly belongs to it, but I think I ought to allow Mr. Berkeley his costs.

With respect to his assisting in prosecuting the Order, I do not see any necessity for that. Mr. Berkeley's station and circumstances, do not present him as a gentleman possessing any peculiar knowledge, which could tend to the assistance of the Court. I think on the contrary, from all that has passed, it would lead to a contest in the Master's Office, which

would not tend to the benefit of the Ward ; and therefore it does not strike me that I ought to order that he should be allowed to attend in the prosecution of the Order. I think I am safe. I can rely, I think, that Dr. Doyle is not likely to present any scheme inconsistent with the benefit of the Ward. I think, notwithstanding what has occurred, I may safely and properly rely on his not doing that ; and without suspecting that he would do it, I think I may also rely, from the attention which has been drawn to the subject, on having the protection of the Master, and I also feel if it ever is brought again before me, that I possess sufficient knowledge of the whole Case now, to be able to exercise a judgment, even without the assistance of Mr. Berkeley, as to the proper protection of the young lady.

With respect to the ordering of the access, the view I shall take of that part of the Case is this ; my Ward is now approaching twenty ; I cannot treat her as a child. She is now a person capable of judging whom it is agreeable to her, should have access to her, and whom it is not ; and as I do not suppose she is likely to receive any particular instruction from Mr. Berkeley, to make his presence beneficial any otherwise than as a gentleman taking an interest in her welfare, and who would be pleasant as a visitor, I must be governed as to who is to have access to her by her own inclinations. She will be in a situation, I hope, as far removed from collateral influence as possible. It is not practicable wholly to prevent that ; but if any persons should be denied access to her, which on a reasonable application, I should suppose it would be agreeable to her to see, that would soon be set right. It would be well that the parties should forget much of what has passed, and should view each other with feelings less strong than those that may at this moment prevail, and that those who take an interest in the lady, should conduct themselves properly, and then perhaps there will be no objection to their having access ; but I must have the lady consulted on that subject. Therefore the Case will go to the Master

on the former Order, for a scheme for the young lady. The costs must be paid ; and I have no other fund but that of the young lady.

With respect to Dr. Doyle, he is in this situation : He is called here by Petition, and the Case has failed—he is entitled to receive his costs,—who is to pay them ? If I am giving Mr. Berkeley his costs out of the young Lady's estate, I cannot say that Dr. Doyle should pay the costs. Unfortunately it happens, therefore, I am afraid, that the young lady's estate must be burthened with the costs.—Dr. Doyle is entitled to his costs. He has been attacked, and as far as the charge which he is called upon to answer is concerned, it is answered, and the Petition fails. Therefore, he is entitled to his costs, and as Mr. Berkeley has incidentally rendered the service I have mentioned, and as I do not think it right he should pay the costs, I am afraid I must let the young lady's estate, as she has derived the benefit of the discussion, pay the costs.

MR. ROLT :—They will not be of great amount, my Lord.

THE LORD CHANCELLOR :—Therefore Dr. Doyle will proceed under the Order, before the Master. The Case will, no doubt, come back again on the report.

MR. ROLT :—Perhaps your Lordship will let me suggest that there should be one Order on both Petitions.

THE LORD CHANCELLOR :—I think this Petition must be dismissed.

MR. ROLT :—That is what I was going to mention, my Lord. It would be singular to make an Order dismissing the Petition and giving him the costs of it. Therefore, I would suggest that there should be one Order on both Petitions. Dismiss Mr. Berkeley's Petition, and order that on our Petition the costs of both Petitions should be paid. There will be a reference to the Master to approve of a Scheme for the care and management of the young lady, during her minority, and the costs of Lord and Lady Shrewsbury, and other parties, out of the estate.



**MR. SOLICITOR-GENERAL** :—The costs of both Petitions out of the estate.

**MR. ROLT** :—There will be no Order at all for Mr. Berkeley to attend before the Master, or for access. The costs will be very small.

The **LORD CHANCELLOR** :—As I said before, the Order may not seem quite consistent with the various views of the Case, but it is the best and most just that I can frame to myself with a view to all parties.

It is not our intention to discuss this judgment at length. We have placed the facts before our readers, and each must decide for himself. We cannot, however, forbear appending the following forcible observations that appeared in a morning newspaper :—

“ The decision of the Chancellor in Miss Talbot’s case must be regarded with very mixed feelings. Considering the premises admitted by himself—although those premises did not go to the extent of the facts proved—Lord Truro could not have done less—he would have been justified in doing a great deal more. We ourselves have regarded the investigation throughout from two very different points of view. The case of an individual and the tendency of a system were before us at the same moment. As far as concerns the young lady, the order of the Chancellor may be received with tolerable satisfaction. Lord Truro could not neutralize by any decree of his the effect of the unwholesome influences to which she had so long been subjected, but at least for the remainder of her minority he has caused her to be removed from the moral contagion of a convent. On a particular day of next year his control ceases. It remains to be seen whether Dr. Doyle, with his train of Hendrens, Winters, and Jerninghams, or the English Chancery will have triumphed in the long run. It must be confessed that the priests have had a tolerable start. They and their agents will, for ten years, have had the unqualified direction of a young and plastic mind, peculiarly liable to emotions of self-abne-

gation and ecstatic devotion. The principle that should have been checked and moderated has been carefully fostered into morbid activity. There is no saying to what length enthusiasm may not ultimately be carried when we glance at Miss Talbot's early education, and the mischievous influences which will surround her again as soon as she shall have been liberated from tutelage. Be this as it may, the Chancellor cannot interfere beyond a certain point, and, although both he and his predecessor are heavily responsible for past neglect, still the mischief is, as matters stand at present, utterly beyond their control. It is at least satisfactory to find that Lord Truro has admitted, in the strongest terms, that Mr. Berkeley's petition was urgently necessary, and has, consequently, allowed him the costs of his application. Dr. Doyle has not been removed from the legal guardianship, as he should have been, considering the very questionable nature of his dealings with a ward of Court, but it is at the same time only just to Lord Truro to point out that he rests the maintenance of Dr. Doyle in his office upon other grounds than those of past integrity and assiduity in his trust. "*Dr. Doyle*," said the Chancellor, "*was remiss in a proper discharge of his duty.* Dr. Doyle was the testamentary guardian. He stood in the place of the lady's father, the man selected by the *parents* (?) of the child, and the Court never removed such persons *except on grounds* made out to its satisfaction to be such as rendered it *the interest of the ward* that the guardian should be removed. *What he* (the Lord Chancellor) *now looked to therefore was this,—the young lady was in London, she was under the care of a lady, and he apprehended would never again be out of the power of the Court until she attained her majority. What remained for Dr. Doyle was probably not of very much importance,* but at the same time, as having had the confidence of her *parents* (?), as a gentleman to whom, although he considered him remiss in his duty, he could impute no bad motives, he (the Lord Chancellor), although he felt bound judicially to express the opinion he had stated, did not think the interests of his ward required he should be removed." In other words, as Lord Truro has had his attention somewhat roughly called to the case, and feels very determined that Dr. Doyle shall have no further opportunity of working mischief, he allows him to retain nominally the post of the guardian. It was to be wished that Lord Truro should have drawn a different

conclusion from his own premises, although these are not correct. Dr. Doyle did *not* enjoy the confidence of *both* parents. On the contrary, his appointment was most distasteful to the mother of the young lady; and, if we are to believe her uncle,\* was only wrung or procured from the father upon his deathbed by the abuse of spiritual influence. But, omitting this point, and passing to the chapter of motives, we know not how evidence of motive is to be obtained except from external acts. Now, how stands the case with Dr. Doyle? In the discharge of his duty we find that he placed a young lady of Miss Talbot's fortune and position in life in a conventual establishment, where she was left for about nine years. She was then brought out into the world, and in the world she remained for twelve weeks. At the end of the twelve weeks we find her in a convent again, in a fair way becoming a nun. The young lady is entitled to 85,000*l.* in her own right. Dr. Doyle is her legal guardian, and a pseudo-Bishop of the Roman Catholic Church. All we can say upon such a state of facts is, that the present Lord Chancellor of England is a man of very robust faith!

“Upon points of detail the Chancellor has come to many conclusions utterly at variance with the evidence adduced upon the trial; for example, upon the question of whether or no Miss Augusta Talbot was a postulant, with the intention of becoming a nun. Had this point been made out to the Chancellor's satisfaction, it seems he would have committed everybody, “bishops, priests, governesses, clergymen, &c.” Lord Truro is something like that over-brave man who trembled violently before going into action at the bare thought the dangers his valourous spirit would lead him to encounter.

“But Lord Truro not only trembles, he draws back. He is so apprehensive of the damage his enthusiasm for justice might cause him to effect, if he were once to ‘run a muck’ among the Roman ecclesiastics, that he pauses at the outset of his course. Now, we who are moved by no such scruples, but are content to deal with the facts as we find them, see only what follows:—We find a young lady sitting in a parlour at a convent, only allowed to converse with her step-father in the presence of the Superioress. We find that the

\* This refers to some letters from an uncle of Miss Talbot's, which had appeared in “The Times.” For the date of the will, see *supra* 3.

subject of conversation was this young lady's profession as a nun ; that she discoursed learnedly upon white veils and black veils, and the control she should have over her property after profession ; and that her stepfather went away with the full conviction, that Nun she was to be. Next we have two letters from the pseudo-Bishop under whose immediate control the convent was placed, stating that Miss Talbot actually was a postulant, and that he, the Bishop, had received from her an ' earnestly supplicating ' letter to allow her to become a nun. The same worthy personage discussed in the most business-like terms the use that would probably be made of the young lady's fortune after her profession. Next, as we understand it, Miss Talbot was made to state that she was a ' boarder ; ' but, as Dr. Hendren's unfortunate revelations had considerably damaged this position, the ' dissuasive ' Superioress was then introduced on the scene. This lady was instructed to write that Miss Talbot was not a boarder, nor yet was she a postulant. She was a postulant-boarder, or boarder-postulant, but yet the element of ' boarding ' preponderated—since all the disturbance had arisen. Then comes Miss Talbot's letter to the Chancellor—the one which we printed at the beginning of this week. Had anything been wanting to convince the most sceptical of the real extent of the moral thralldom to which this poor young lady had been reduced, this letter would have sufficed. The letter, however, bears her signature ; and, from respect to her, we will say no more about it. Now, we will ask any man who enjoys the advantages of straightforward common sense to examine the state of facts we have thus set out, link by link, and then, bearing in mind that the young lady will be entitled some eighteen months hence to £85,000, to say whether or no there existed among the clique of priests and nuns an intention of obtaining possession of Miss Talbot's ' personal advantages.' When Mr. Rolt was called upon to reply to this plain statement of the case he contented himself with abusing Mr. Berkeley. The order of the Chancellor is the best comment upon the advocate's line of defence.

“ It is now our intention to dismiss all further discussion of this affair, unless fresh matter for comment should arise. We do not apprehend that such will be the case, for the policy of Dr. Wiseman and his fellows loves seclusion. All the Roman ecclesiastics connected with this iniquitous business will be content to slink back into darkness, well content that worse has not befallen them. They

may thank the hesitation of the Chancellor for their impunity. If ever there was a case in which the youth and simplicity of a ward of Court were abused, Miss Talbot's is that one. Nor can we confine the censure to the ecclesiastics alone.

"The Earl and Countess of Shrewsbury deserve a full measure of indignation for their neglect of their young and helpless relative—if indeed their conduct might not be more aptly described in harsher terms. Let them, however, be left to public opinion, in common with the other parties to the transaction. Two purposes at least have been answered by the inquiry. In the first place, Miss Talbot has been saved from the nunnery. She has a few months before her, which, if rightly employed, may be sufficient to baffle the schemes of the paltry intriguers by whom she has been hitherto much surrounded. Secondly, public attention has been drawn to the *modus operandi* of Dr. Wiseman and his followers. It was very instructive that such a case as this should have come to light when so many voices were raised to represent them as an army of heroic and unworldly martyrs. An army they may be, but they understand the art of foraging to perfection. It is from this form of warfare we have far more to dread than from open and arrogant defiance of the constituted authorities of the country. It is in the ear of the dying man, whose faculties are weakened by physical debility, and whose feelings are roused by the terrors of his position, that the Roman priest will proclaim in trumpet-tones the infallible claims of his church. He will whisper them to the young and credulous woman in moments of ecstasy or dejection; and in such quarters he will succeed. Under the broad sunshine, and with grown men in the full enjoyment of intellect and judgment, he will avoid the discussion. Such is not the fit arena for the Roman priest, nor such the opponents over whom he can hope for triumph. How then, is the evil to be met? How are we to avoid the recurrence of such scenes as Mathurin Carré's deathbed, or Miss Talbot's convent? It would be hard to say; but at least, if there be increased aggression on the one side, there must be increased watchfulness on the other. This, at any rate, is not a season when the disciples of the Propaganda can hope to violate the ancient statutes of the kingdom, or to obtain acknowledgment of an authority which has been so foully abused." *Times*, April 3, 1851.

READER! mark well the termination of this romance of the nunnery. Just ten days after the young lady's release from imprisonment, all the best feelings of woman's heart were awakened within her; and, if report speaks true, the "postulant" has consented to become the affianced bride of a noble Lord, high in favor with his Queen—and in every respect suited to render her happy. Can any language, however forcible, so completely give the lie to the statements put forth by the pseudo-bishops of Clifton and Southwark, and the dissuasive abbess? And does not this *little* incident in the "Drama" in a great measure supply the "*sad blanks*" as commented upon by the Lord Chancellor in giving judgment? From the above history we are forcibly reminded of a case that happened in Rome not long since. A young lady, eighteen years of age, possessed of some property, was destined by her only relatives to take the veil. She had formed an attachment to a cousin. The relatives having other views for the cousin, placed her in a nunnery, where she would never see him again. Some friendly sister, however, taking pity on her broken-hearted looks, inquired the cause; and then, by the assistance of a benevolent monk, communicated with the young gentleman. But, alas! escape from the dreary prison-house was hopeless. One course only presented itself, namely, that the young gentleman should attend at the time and place appointed for the ceremony of the *profession*, and claim her as his own—this, it is scarcely necessary to add, he did; some consternation and excitement ensued; but as at the last day of the noviciate, the postulant or novice

is *nominally* free—and having publicly declared her unwillingness to take the black veil, and become a prisoner for life—the demand was irresistible; and the presiding Cardinal was, reluctantly, compelled to abandon the claims of the priesthood of Rome to another victim; and the relatives to lose the fortune, that would have reverted to them, if the young lady had died unmarried!

We commend, in conclusion, the whole subject to the earnest and thoughtful consideration of every parent in the kingdom. Truth has been our aim, and the light that the truth loveth and priestly domination hateth.

## APPENDIX.

## I.

## FULHAM V. MACARTHY.

THE following is a brief analysis of the case of *Fulham v. Macarthy*, which appropriately illustrates the Romish system of *voluntary* acts.

Mr. Macarthy, of Cork, died in the year 1843, leaving a large grown-up family, and personal property to the amount of upwards of £90,000. Two of his daughters had, with his consent, become nuns, in the convent of Blackrock, in the years 1828 and 1829 respectively. He paid £1000 entrance-money with each of them, on the understanding that they were not to participate in any property which he might leave at his death. Moreover, his daughters wrote him letters, shortly after their profession, renouncing any such property, and he drew up a draught of a will, (found after his death,) in which he cut them off with a shilling, on the ground of their having been already provided for. This will, however, was never executed, and in 1843 he died intestate. His son John took out letters of administration and possessed himself of his deceased father's property, which he divided among his brothers and sisters to the exclusion of the two nuns—retaining their shares in his own hands.

On the 29th of December, 1843, and the 13th of March,



1844, respectively, the two sisters executed deeds of assignment of all the property to which they had claim to certain nuns of the convent of Blackrock for the uses of the convent. The brother refused to pay the shares of the two sisters to the assignees on the ground of improper influence, and proceedings were instituted in Chancery to compel payment. It is from these proceedings that we have made the following extracts. 1st. In the Bill of the Appellants—that is, on the part of the Convent—the following principle is laid down:—

“Your suppliants further show that it is the invariable and well-known regulation of such Convent, and of all similar institutions, that any property which any of the professed nuns acquire or become entitled to after their profession becomes the property of the community, and that such is the effect of their becoming such nuns and of the vow of poverty taken by them.”

Again, Dr. Murphy, then Roman Catholic Bishop of Cork, says in answer to his interrogatory:—

“About the end of 1843, or commencement of 1844, Catherine Macarthy solicited a conversation or interview with me on the subject of giving over to her brothers her share of her father’s assets, and she expressed her desire to do so on condition of receiving for her life an annuity of £300; and she deemed that such would be consistent with her vows as a professed nun, and she wished for my permission to carry this object into effect. I told her that I had no power to grant her permission or to dispense with her vow of poverty; and that she could not, consistently with her vow, alienate from the convent this property, and that, according to the rules and regulations of this institu-

tion, any property devolving upon her or any other professed nun became the property of the community."

And then he adds :—

" I say that neither upon this nor any other occasion did I use any undue means or influence whatever to induce the said Catherine Macarthy to execute the deed."

In confirmation of this doctrine comes the Rev. Theobald Matthew's answer to interrogatories. Mr. Matthew was the bishop's deputy in visiting the convent :—

" There is a vow of religious poverty, or, in other words, ' there is nothing over which she can have dominion,' taken by ladies becoming members of said and similar institutions. The meaning and effect of such vow of poverty is, that any property or money which may come to or devolve upon any members of such institution or institutions, becomes the property of the community. The individual has no control over it ; and such is the well-known and understood result of such vow."

The practical effect of these vows is shown by the following extract from Nelson Macarthy's answer to the Bill of the Appellants, being his report of the substance of a conversation with his sister. He says that his sister Catherine told him that she asked the bishop's leave to assign any right she had to her brothers. He referred her to her superioress. She answered that the superioress had referred her to him. He then said, " You must observe your vows of obedience." She answered, " If you mean, my lord, that I must dispose of this property against my conscience, it will be for a Court of Equity to decide how far such an act would be valid." He replied, " If those are your intentions, my dear madam, let me tell you

that I have lawyers in my family as well as yours, and this is too good a thing not to look after." He continues, that he saw Maria, (his other sister,) and that she told him that she cried and wept all night long after signing the deed. She told him that he could not see his sister Catherine that day, as she was undergoing punishment. Some weeks after, he says, he saw Catherine, who appeared very weak and depressed. She said that in reference to the deed, a pen might as well have been put into the hands of a corpse as hers. She informed him that she feared she would be obliged to sign the deed in compliance with her vows, and that he had no idea of the mental training that they went through, and that she would be obliged to state that her acts were free and voluntary, and that everything done by a "religious" must be done cheerfully and freely, otherwise it would be deemed and considered that she had broken her vows.

Daniel Macarthy, another brother, gives his sister's report of the conversation with the bishop in nearly the same words, and proceeds thus :—

"That on the first (a former) interview in the month of August, 1843, the said Catherine informed this defendant (D. Macarthy) of her own accord, that whatever right or claim she might have to the personal estate of her father she thereby gave to this defendant and his brothers, John and James ; and the said Catherine then said that this defendant must blame himself if ever the convent got the property ; and saith that the said Maria and Catherine were both fully apprised of the disposition made by their father in the will aforesaid, and that they were both anxious and desirous to fulfil the same, and so expressed them-

selves, and were anxious to adhere to their original undertaking with their said father."

The declaration of Catherine herself, shows the result of the "mental training" preceding the signing of the deed :—

" In the conversation alluded to by my brother Daniel, I did express my hope and wish that the superiors would make some surrender, not knowing it to be wrong to have done so ; but I never at any time expressed my willingness or intention of acting independently of their will and approbation in this case. Should I on these occasions have allowed my natural sympathy for the feelings of my family to have appeared, it never could have been imagined by me that they could suppose that I could do any act contrary to the duty of religious persons. I did admit that in moral justice I did not consider myself entitled, under the circumstances, to so large a claim on my father's property, but as no religious can renounce her rights, it being no longer hers but the rights of the community, I acted as my will, influenced by duty, pointed out to me ; nor was the delay to the deed of trust, March 13, occasioned by the circumstances alluded to by my brother."

The Lord Chancellor of Ireland decided that the convent was not entitled to relief, as the deeds had been obtained under pressure and compulsion, but offered them an issue, that the question might be tried by a jury. *This they refused*, and appealed to the House of Lords, which appeal was dismissed ; but, unfortunately, on a technical point, see House of Lords' cases, vol. ii.

## II.

## DECREE OF THE COUNCIL OF TRENT AS TO NUNNERIES.

The following is an abstract of a decree of the 25th Session of the Council of Trent.

It is decreed,—That nunneries shall be kept carefully closed, and egress be absolutely forbidden to the nuns, under any pretence whatsoever, without episcopal licence, on pain of excommunication ; magistrates being enjoined under the same penalty, to aid the bishops if necessary, by employing force, and the latter being urged to their duty by the fear of the judgment of God, and the eternal curse.

## III.

## REGULATION OF RELIGIOUS HOUSES IN PIEDMONT.

The correspondent of the *Times*, writing from Turin, March 28, states, that M. Perrone, the deputy for Mondovi, brought in a bill for regulating monasteries and convents ; and on presenting it, spoke as follows :—

“ The civil laws have in most cases taken care of the persons and property of those who, on account of their tender years, or from any mental incapability, were unequal to the protection of their own interests. These laws, however, have been silent with respect to a class of persons who, at an age when no knowledge of life or expe-

rience of the world has been acquired, undertake to dispose of themselves, even at the age of 16, in monastic and religious seclusion. For the purpose of protecting those minors of both sexes, and saving them from a useless and late repentance when nature has been fully developed, and when they are capable of understanding the folly they have committed, I have the honour to present the present bill. It appears to me that no doubt can be entertained of the propriety of giving the civil power jurisdiction in this case, because the project of law is meant to affect persons who do not, and should not, on account of their tender age, belong to ecclesiastical jurisdiction. Although it be true that the whole of our civil code is about to be amended, I see no reason why the Legislature should hesitate to take into consideration a matter of the urgent necessity of this, and which, of course, must be incorporated in the proposed alterations. I therefore submit the following outline of the measure :—

“ 1. Individuals of both sexes, who desire to make religious profession in a convent, congregation, or a monastery of the State, shall not be allowed to take solemn vows in perpetuity unless they have completed the age of 21 years.

“ 2. The persons competent according to the preceding article, shall not be allowed to take the said vows without having lived in the social world for at least six months within the period of two years preceding their adopting that final state.

“ 3. Strangers who have taken vows in any foreign convent, not in conformity to the present law, are not admissible into the religious institutions of this country.

“ 4. Subjects of the realm who have taken vows beyond its jurisdiction shall be considered as strangers in the eye of the law.

“ 5. Such persons as receive, or allow to be received, religious candidates in contravention of the first and second clauses of this bill, shall be punished with five years' imprisonment, and all such subjects of the realm who may infringe the terms of this law out of the kingdom shall lose their civil rights.

“ 6. All dispositions of preceding legislation contrary to the present law are annulled.”

“ Although (continued the speaker) all legislation is subject to modification by the hand of time, we see that religious and monastic orders obstinately refuse to make any alteration in that which affects

them from the remotest period. We are, therefore, called on to perform that which those orders refuse to do for themselves. It appears that the church will in no manner diminish the control it has so long exercised over the human mind ; but, while that fact accounts for the blind obstinacy with which it repels all change, it compels us to protect the young and the ignorant, and to provide by wholesome legislation for the public good. The House has, therefore, only to examine whether the motion I have the honour to propose be in principle just, and whether it be within our attributes to adopt it. On the first point, I need only say that the taking of eternal vows is the most solemn act a human being can perform, and that it is a reflection on common sense to allow them to be adopted at the age of 16 years, which the actual law permits, when neither the mind nor body is developed, and the judgment and the passions given to us by Divine Providence for wise purposes, are not yet matured. Will you continue to expose the youth of both sexes to the influence of interested persons, who desire the possession of their worldly goods, and to the misery of an ineffectual repentance? With regard to the second point, the Chamber has already discussed and disposed of matters of a similar nature, and in any case I must presume that, whatever your final decision may be, you will not refuse for the present to take the measure I propose into serious and immediate consideration. The proposition was then received, amid cheers from all sides of the house."

**FINIS.**

*L. Seeley, Thames Ditton.*



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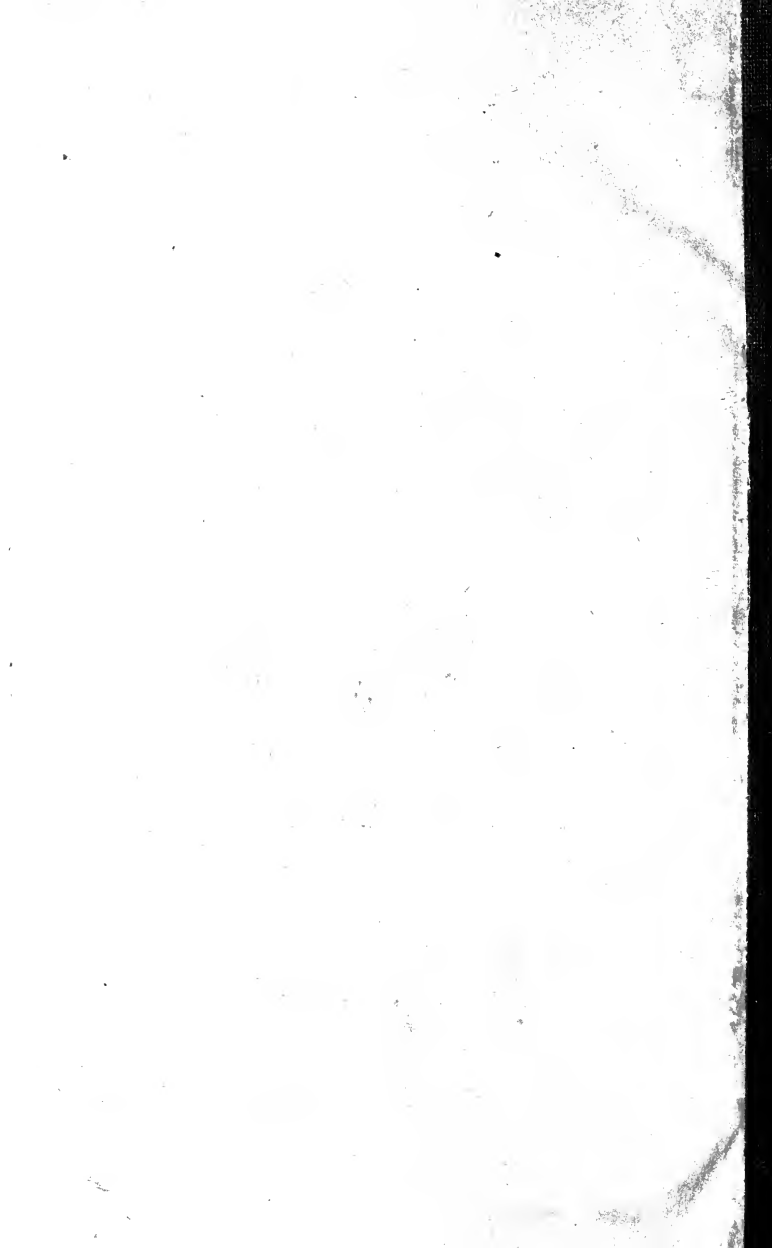
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